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MANUAL OF THE NELLORE DISTRICT—II.

Chapter X—*Social Characteristics.*—This chapter, though entitled Social Characteristics, treats of "Tenures, the relation of Landlord and Tenant, and the Law of Inheritance." The portion treating of tenures goes back to the very earliest times, even to the primitive days when each Aryan settler became the actual proprietor of what land he could clear and reclaim. Each holder, it is true, paid some proportion of his profits to the chief or sovereign of his tribe, but this was not rent for the land, but a sort of tax, perhaps voluntarily imposed, to pay for the protection afforded. A long extract from a letter by Mr. Stratton, Collector of the Western Pollams in 1800, shows that the poligars had by that time instituted a most debasing and tyrannous method of paying their servants, both civil and military. The pay of these servants was nominally high; but then it was habitually in arrears, and if paid at all, was not paid in money direct from the Treasury, but by an order on some defaulting ryot. This unfortunate man not having enough to satisfy the order, or "Tanka," as it was called, tried to stave off demands by giving his tormentor food and a little money; this, of course, merely postponed the evil day; for the creditor at last waxed impatient, and sought to realize what he could of his long due salary by a plunder and sale of the ryot's effects. This was an excellent and infallible recipe for the propagation of rapine and plunder on one side, and utter ruin on the other. Any system more subversive of political economy could not be conceived. The military establishment was also frequently paid by villages granted on what was called "Amaram," or *ease* tenure. By this arrangement the uninitiated would suppose that the recipients would enjoy a fertile village on easy terms. Far from it—such was not the policy of the Poligars. They rewarded their faithful servants with villages of waste lands, or in a general state of ruin and decay. For a year or two no rent was asked, but as soon as the holder had repaired the tanks and channels and otherwise improved the land, rent at rapidly rising rates was demanded, until there was little or no difference between these "amaram" and ordinary tenures. The law of succession appears to have been from father to son, with an occasional female holder; but in general when there was no male heir, the property reverted to the Poligar. Another form of tenure, termed *Kattubadi,* seems to be a modification of the "*amaram*"—suffering equally

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from both the ordinary and extraordinary demands of the Poligars, and like the *amaram* lands lapsing to the Poligar on failure of male heirs. The extreme oppressiveness of this arrangement will be at once apparent from the fact mentioned by Mr. Stratton, that the maximum net profit on these holdings was about eight star pagodas, and the minimum three star pagodas annually. The revenue was collected by a simple and efficient village system. The Mahomedans, we are told, did not alter this system, but they imposed even more exorbitant demands on non-Mussulman ryots; and it was under them that the principle of the land belonging primarily to the State was first developed. The land revenue system is next explained, with the modes of assessment, rates, tirva, &c.; the privileged classes are enumerated; and the taxes by which the revenue is augmented are next detailed. The British system is but briefly noticed in this chapter, as it is more fully discussed in a subsequent part of the Manual. A short glossary of revenue terms concludes the chapter.

Chapter XI—*Trades and Manufactures.*—This chapter was contributed by Mr. A. M. Simpson, a merchant, and Mr. C. E. Plunkett, Deputy Collector. The trade of the district consists chiefly in its products—grain, oil-seeds, indigo, cotton, cattle, &c. The indigo made in this district is stated to be good, though not on the average equal to that made in Cuddapah. The cotton trade has fallen off owing to the railway conveying the cotton at lower rates and by a more direct route to the Madras and other markets. The same cause has probably brought about the decrease noted in the manufacture of textile fabrics, which was at one time considerable. A great quantity of statistics as to the comparative return of the weaving power of the district, and the value and quantity of cotton exported and imported, finishes this part of the chapter. The remainder of the chapter, written by Mr. Plunkett, points out that the decrease in the trade of the District, noted by Mr. Simpson, arises from the fact, that formerly the trade consisted in the products of more favoured districts, while now it is entirely local. The salt trade, too, has disappeared from the opening of salt manufactories in Bengal; while favourable seasons in other districts have reduced the grain trade to nothing. Statements of the Land Trade, of the Imports and Exports, occupy sixty pages (! ! !); and a short, but we fancy very useful, collection of tables of weights and measures closes the chapter.

Chapter XII—*Agriculture.*—This chapter was contributed by Mr. Charles Rundal of the Revenue Settlement, and displays the same irresistible fondness for statistics as do most of the other chapters in the book. There are some interesting accounts of the various crops raised and the method employed in their cultivation; and the prefixing to the description of each plant its proper botanical name will recommend itself to those seeking information, while those unacquainted with local nomenclature will recognize the plant by its scientific denomination.

Chapter XIII—*Antiquities.*—This chapter was, we should think, the personal work of the gifted collator of the volume. He tells us at the commencement that "the principal antiquities of the district consist of the ruins of old forts, of Hindoo temples, and copper plates or shasanams, chiefly title-deeds. Some of these last go as far back as 700 or 800 years." There are also some inscriptions; but no sculptures of any value. In Nellore itself there were found some coffins imbedded in laterite with iron implements—also a pot of Roman coins. At Anantasagaram is

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a remarkably fine tank containing, when full, near the principal bund, forty feet of water. It was constructed about A. D. 1522 by a pious Rayasum, in memory of his deceased parents—a costly, durable, and beneficial memorial of the departed well worthy of imitation by pious Hindoos and others of our own day. The Udayagiri Droog is also a place of some interest, rising to the height of 3,079 feet, and being, even to this day, a fortified place. A spring of water in the droog formerly supplied the town at its foot. Unfortunately the aqueduct is now out of repair, and the spring runs to waste, while the town suffers much from want of water.

Chapter XIV—*Political History.*—This chapter opens, naturally enough, with a glimpse of what Mr. Boswell aptly terms the "Pre Hindoo period," and speaks of the probable descent of the present wild, or half wild, tribes, such as the *Yanadies, Yerakulas,* and *Chenchus,* from those early settlers whose origin is enveloped in mystery. The Nellore of the present day is a portion of the ancient kingdom of Telingana, throughout which Telugu is the vernacular. The country from the earliest recorded times seems to have passed from one obscure tribe to another, until it fell into the hands of the Gazapatti Rajahs of Worangul; and subsequently the Narapattis, whose power extended from 1336 to 1654, succumbing finally to the Mahomedan invasion. Among the early Mussulman rulers, Mahomed Toglak distinguished himself, and seems to have done much to consolidate the dominion of his race. His army was, however, decimated by a pestilence, and on his retiring to his capital of Deogur, the Rajahs of Carnata and Telingana seized the opportunity to throw off, for a time at least, the Mussulman yoke. About this time the Bahmani Kingdom was founded by Hassan Gangu: this kingdom, however, held together only 171 years, when it became divided into various independent states. Among these the Kingdom of Golcondah, near Hyderabad, was founded by Kutab Shah. This dynasty reigned from 1527 to 1687—a period of only 160 years, during which time no fewer than eight sovereigns ascended and descended the slippery steps of the throne; but in 1687 the dynasty was ended by the Emperor Aurungzeeb. In 1625 we find the first mention of the English, who, landing in the Nellore District some forty miles north of Pulicat, established a small trading settlement at Dugarazpatam, and named it Armagon, after the name of Armugum Moodelly, who gave them the land and assisted them in many ways. Subsequently, finding their trade did not flourish, Mr. Francis Day, then chief of the factory, proposed a move to the south of Pulicat; and in 1639, through an amicable arrangement with the Rajah of Calastry, the English made a settlement in a little fishing village, which we now know as Madras!! In endeavouring to resist the power of Aurungzeeb, the king of Golcondah formed an alliance with the renowned Sivaji, who, having arranged that the king of Golcondah should keep the Mogul armies in check, commenced a victorious march south, taking Gingi, Vellore, and Arnee. Meanwhile the territories of Golcondah had been invaded, and the king had come to terms with the Moguls. Subsequently in 1686, Abdul Hassan, then king of Golcondah, entered into an alliance with Sambaji, son of the great Sivaji. This drew down on Abdul Hassan the resentment of Aurungzeeb, who, having failed to subdue him by force, basely and treacherously obtained possession of his kingdom. On the death of Aurungzeeb, the kingdoms of Golcondah and Bijapur were left by him to his youngest son, who, however, refused to acknowledge the supremacy of his elder

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brother, and was, in consequence, defeated and slain, and the kingdoms were given as a viceroyalty to a distinguished officer of Aurungzeeb. Thus was founded the line of the Nizams, or Soubahs, of the Deccan, who soon made themselves virtually independent of the Emperor of Delhi, though they remained allies of the Empire. The most important of the subordinate governments under the Soubahs was the Nawabship of the Carnatic, or, as we know it better, the Nawabship of Arcot. In this province or Nawabship was included the District of Nellore.

Chapter XV—*Political History.*—This chapter treats of the political history, not of Nellore only, but of the greater part of Southern India, during the troublous period from 1743 to 1763, a period of constant fighting, intrigue, and varying fortunes, in which English and French, Mahratta and Mussulman, were alike involved. It opens with the taking of Madras by Labourdonnais, owing to the fraud practised on the English by the French and Anwar-u-din; it was however restored to the English by the peace of Aix la Chapelle in 1749. The last events mentioned in the chapter is the battle of Wandewash, the reduction of Karical and other towns, with the final siege and capture of Pondicherry. Pondicherry was replaced in the possession of the French by the treaty of Paris in 1763, and the other small remains of French power in the East also reverted to their former owners. This collapse of the French power in India gave the Nawabship of the Carnatic to Mahomed Ali, the ally of the English; who, in return for the services of British troops, and for the expenses incurred during the war, conferred on the Government of Madras the District of Chinglepat, known as the "Jaghire," yielding an annual revenue of four and a half lakhs of pagodas.

Chapter XVI—*Political History.*—This chapter carries on the story from the cession of the Northern Circars to the final cession of the Carnatic, from 1764 to 1801. In this chapter we first hear of Hyder Ali, the intrepid warrior and hard-hearted tyrant who raised himself from a lowly position to the proud throne of Mysore. The English were now well established in the country, and held the Northern Circars on a direct sunnud from the Emperor, while the Dewanny of Mysore was conferred on them by the Nizam Ali Mahomed, Soubahdar of the Deccan, with the trifling proviso that they should conquer it! The English did indeed conquer the chief towns of the Baramahal, but they were retaken by Hyder Ali. The English power was still further augmented by the Nawab of the Carnatic conferring on them the military administration of the country; and in 1771 they joined with Oomdat-ul-Oomrah in an expedition against Tanjore, which ended very favourably to the English, with a cession of territory and a payment of money. From this time to the death of Hyder Ali in 1782, war was waged with varying success between Hyder Ali and the French on one side, and the Soubahdar of the Deccan and the English on the other; but the general tendency of affairs was to improve the position of the British. After a time the Madras Government, finding the war with Hyder Ali had greatly crippled them, applied to the Nawab for pecuniary aid. This demand was at first resisted, on the ground of a treaty made in 1781 with the Bengal Government; but the Nawab finally consented to allow the British Government the revenues of the Carnatic for five years, receiving only one-sixth for his private expenses. This was the agreement; but the Nawab endeavoured to evade it and fell into the hands of the Board of Control, who ordered indeed the restora-

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tion to him of his revenues, but saddled him with the payment to the Company of twelve lakhs of pagodas per annum towards the payment of his debts, and four lakhs for current expenses—all being secured by a cession of territory. War now ensued with Tippoo, son of Hyder Ali; and owing to the want of regularity in the Nawab's payments, the revenues were taken for the time being directly into the hands of Government, who appointed Collectors to Tinnevelly, Madura and Vellore, Trichinopoly, Arcot, Nellore, and Ongole. On the conclusion of peace with Tippoo in 1792, this arrangement came to an end, and a new, and for the British a favourable, treaty was made before the death of Mahomed Ali. The effects on the country were anything but favourable. The Nawab, in his endeavours to pay the subsidy demanded as the price of the English military administration, ground down the people and reduced them to a ruined condition. In a short time Oomdat-ul-Oomrah was discovered in a treasonable correspondence with Tippoo Sultan, in direct violation of the treaty he had signed. The Government, in consequence, held itself absolved from the treaty, and assumed the entire government of the Carnatic, making a suitable arrangement for the maintenance of the Nawab and his family. By this treaty the Nawabship was not hereditary, but for two or three generations it was allowed to descend, till in 1855 Mahomed Ghouse died, and his uncle Azim Jah claimed the succession; but as the treaty had not recognized any hereditary right, and there were many reasons against it, the Government declined to allow the succession to go back to the uncle of the last holder, and declared the title at an end. The provision made for the family was liberal; Azim Jah enjoyed an income of a lakh and a half with the title of the Prince of Arcot. The chapter concludes with a brief statement that in Nellore alone, political and other pensions amount to more than Rupees 36,000 per mensem.

Chapter XVII—*Revenue History.*—This chapter sets before us the administration of the Nellore District prior to, and its condition at the time of, the assumption of the Government by the East India Company. This chapter was contributed by a gentleman, whose initials alone, M. C. S., are given, and presents a sad picture of misrule and oppression. The land revenue was, as usual in India, the chief source of revenue, but it was terribly mismanaged. There seems to have been no mirassi right in Nellore, though something analogous was to be found in the tenure of the kadim ryots, who were the hereditary and permanent farmers of the soil. They had no proprietary rights however, and were incompetent to sell the land. These kadims were responsible to the Government for the rent, and leased out their villages to payakari cultivators. The village system of Nellore did not materially differ from that of other parts of Southern India. The Revenue system was faulty in the extreme. The representative of the Nawab, termed a Fouzdar, lived generally at Nellore, and was usually some weak and profligate connection or retainer. The country was given out in large portions to renters, who were ground down themselves by the Nawab and the Fouzdar, and who, in their turn, rack-rented the unfortunate sub-renters and ryots under them. So severe was the tyranny, so hopeless the condition of the ryots, that many of them fled to the Ceded Districts, to Madras, or to the British possessions in the Northern Circars. Others converted their arable land into pastures, and reared and bred large herds of cattle. Another source of revenue was termed *sayer* or miscellaneous; this, too, got

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into a terrible state, and for a long time before the country passed into British hands, the revenues had steadily fallen. The judicial and police systems may be said to have been in abeyance; the Fouzdar being the only judicial officer of the province. The Hindoos settled their civil disputes by arbitration; and the Mussulmans by the aid of their Kazi and Naibs. As to the Kavalgars and watch peons, they became, by pressure of circumstances, and perhaps natural inclination, the greatest robbers of the district. In fact, the state of the country at the time of the British assumption was almost beyond hope, and we should think could scarcely be credited by strangers. We will quote a few lines from the sad picture drawn by M. C. S. "The confusion and uncertainty of the revenue system; the oppressions of the renters, themselves the victims of the rapacity of the Nawabs, and compelled to recoup themselves by exactions from their people; the fraud and venality which had infected all ranks; the poverty of the cultivators who were nine-tenths of the community; their ignorance and apathetic indifference to their own improvement; the stagnation of trade and manufacture consequent on restrictive taxation and general insecurity; the depredations of Poligars and Kavalgars, the supposed guardians of the public security; the total want of a system of judicature—all these combined to produce a state of things wretched in the extreme, and from which it would be vain to hope for sudden or rapid improvement."

HIGH COURT—MADRAS.

MORGAN, C. J., AND KINDERSLEY, J.

*Right to running water.**

A riparian owner is entitled to the use of the stream as it flows through his land for all lawful purposes, and may erect such works as are sufficient to enable him so to use the stream for irrigation purposes as will not interfere with the rights of others.

PER KINDERSLEY, J.—*Each case should be decided on its own merits, and it cannot be laid down as a general rule, still less as an invariable rule, that irrigation is even in India such an ordinary use of water as would justify its diversion to the prejudice of other riparian proprietors.*

R. A. 52 *of* 1873.

Mooppavarapu Venkata Nandam Puntalu, Mooktiar, on behalf of his Highness the Maharajah of Vizianagram, K.C.S.I.;

versus.

Sri Rajah Muganti Sita Ramasamy Bahadoor, Proprietor of Chitigada and Jagannadapooram.

IN Original Suit No. 10 of 1871, in the Civil Court of Vizagapatam, the plaintiff (appellant) stated that the river Bodderu rises in the hills called Bongundammah Parvatum Kojam mettu, situated to the north of Konam Village, attached to the Zemindary of Madugula, belonging to the defendant, and flows southward into the Vaddadi river belonging to plaintiff. On the 14th November 1838, plaintiff and the Zemindar of Bobbili, the then proprietor of Chidikadu Jagannadapooram estate, agreed that when the water in Bodderu was knee-deep or less, the first defendant should put up a temporary dam one foot high, composed of sand and sticks, at Chapa katt, at the head of the river, thereby retaining two-thirds of the water flowing down, and allowing the plaintiff the remaining third for cultivation; and that, during the freshes, the river was to flow unchecked for the benefit of both parties alike.

In March last, second defendant, as the agent of the first defendant, erected a permanent dam, nine feet high, at Dhalama katt, two miles further south than the original one at Chapa katt, thereby diminishing the plaintiff's water supply.

The plaintiff prayed that the defendant might be ordered to remove the dam at Dhalama katt, restore that at Chapa katt, and for a perpetual injunction restraining the defendants from

* Published in Volume IX, *Madras Jurist*, page 209.—ED. *R. R.*

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erecting any other dam, or cutting any other channel than that existing.

By his written statement, the first defendant, alleged that he purchased the Chidikadu Jagannadapooram estate, with all rights and easements; that he was, therefore, entitled to the use of the river Bodderu, and to construct dams across it for the purposes of irrigation; and that plaintiff has suffered no loss whatever by the dam complained of.

The second defendant, as the mooktiar of the first defendant, had no interest in the suit, and prayed that he might be struck out therefrom.

The following issues were settled by the Court:—

1st. That the plaintiff has no cause of action.

2nd. That the plaintiff is barred by the law of limitation.

3rd. The right of the respective parties to the use of the water of the stream.

4th. That defendants are barred.

The Civil Judge (Mr. E. C. G. Thomas) gave the following judgment:—

1. This is partly a riparian suit.

2. The questions before the Court are, however, somewhat narrowed and simplified by an admission on the part of the defendant of a certain definite right which he concedes to the plaintiff.

3. He admits the right of the plaintiff to one-third of the flow of the river at low-water.

4. The plaintiff adds to this restrictions on the defendant as to the rights still remaining with the defendant. These remaining rights must be considered in detail.

5. A preliminary issue is that the plaintiff is barred by the law of limitation. To establish this point the defendant asserts that he has for a long term of years exercised the right of erecting dams across the Bodderu when and how he liked, unchallenged by the plaintiff, and that the plaintiff is, therefore, debarred for evermore from questioning that general right.

6. The evidence in support of this allegation is not strong, but accepting it as it stands, the utmost it asserts is that somewhere between —— and —— years ago the defendant had a dam built across the river, below the point to which plaintiff now wishes to restrict him, and that it was carried away by the first freshes. It is not shown that it lasted a single season, that any irrigation was carried on by means of it, or that it in any way called upon plaintiff to defend his rights. The action of nature relieved him of the possible future invasion of them, and his inaction regarding a structure that was, on one single occasion, run up and swept away within a few months, and never repaired, cannot be taken to establish anything in favour of defendant or against the plaintiff's present right to sue. This second issue must, therefore, be found in favour of the plaintiff.

7. The other preliminary issue is that the plaintiff has no cause of action inasmuch as

1st. The dam complained of was not completed;

2nd. Was not constructed in such a way as to prevent the flow to him of the admitted one-third at low-water;

3rd. Has not yet caused him any damage.

8. The first reason is in reality hardly maintained anywhere. The defendant frankly asserts a right, and is not careful to deny exercise of it. The evidence of Mr. Laskey is sufficient to satisfy the Court of the existence of this dam right across the river.

9. The second reason the defendant very properly made to depend chiefly on the professional opinion of the same witness, an officer of the Department of Public Works. From his evidence it seems that the dam was a stone and chunam wall six or seven feet high on a loose stone basis, and he was of opinion that such a dam would so thoroughly impede the flow of the river that one-third could not possibly escape through it, or by it, at low-water.

10. Thirdly, a right invaded or obstructed gives cause of action even without actual damage having been caused.

11. This first issue must, therefore, be given in favour of plaintiff.

12. The third issue, "the rights of the respective parties," brings us to the general question of the suit.

13. The defendant concedes to the plaintiff one-third at low-water, and the free use at flood times. This concession, he states, was an agreement between them. Plaintiff goes further, and on the strength of that agreement, seeks to restrict defendant to one single dam, and that one at an indicated spot, where from time immemorial a rough brushwood dam has existed, viz., Chapa katt. Plaintiff declares that he bases his restriction also upon general riparian rights.

14. On this point I have been able to find but one recorded decision, viz., in Sutherland, Volume III, page 218, in which it is decided that a riparian owner must not so deal with a stream as sensibly to disturb the natural condition of the stream as it exists within the limits of other proprietors whether above or below." This decision is evidently and exactly based on the gist of most English decisions on the use of flowing water; the principle again and again laid down in them that the proprietor of adjoining land is entitled to the reasonable use of it as it runs by his land, is almost always coupled with what is taken as the corollary; that therefore, without the consent of the other proprietors no one may diminish the quantity that would flow to his neighbour. *Mason* v. *Hill*, 5, B. and Ad., 1; *Wright* v.

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Howard, 1, Sim. and Stn., 190; cited judgment, 12, M. and W., 349; judgment, *Embray* v. *Owen*, 6, Ex., 368-373; *Chasemore* v. *Richards*, 7, H. L. Cases, 349; *Ramstron* v. *Taylor*, 11, Ex., 369.

15. But this restrictive explanation of the principle has plainly grown up in a country where the *motive* and not the *irrigating* power of water has been brought before the Courts as subject of dispute. If, in this country, the construction of new works of irrigation was thus peremptorily forbidden for evermore, the restriction would be senseless, and opposed to public interest in the highest degree; for though in a country full of tanks, there is probably no room for new works and new rights, it is very different in the case of rivers. It is probable that there is not a single river in the peninsula on which works utilizing water that now flows into the sea would not benefit the country, not a single river which might not by new works be made more valuable to the community for preventing famine and saving life without detriment to any previous rights. I conclude, therefore, that this narrow construction of the principle is inapplicable to this country, and that we must, in riparian suits, be guided more by the broad maxim *Sic utère tuo ut alienum non lædas.*

16. When the constructor of a new work is justified neither by previous use nor by custom, we have to consider, first, whether his position on a stream gives, in a general way, a right to the use of it; and, secondly, whether the use he proposes to make of the stream is such as will not injure his neighbours on the stream. In the present case it is admitted that the Bodderu stream rises in the property of the defendant, and both banks are for many miles entirely his. As to his general right, therefore, to the use of the stream there is no question; he has a larger right from the area of his riparian possessions than any other person.

17. But, applying the above maxim, the question arises whether the use he wishes to make of the stream would injure others; and the plaintiff contends that he is more definitely restrained by the terms of the agreement between them. This the defendant denies, and it is for the plaintiff to prove it. The plaintiff does not produce the agreement, but he produces various documents which refer to it, and all that these documents prove is, that there was some agreement, and that the chief, if not only condition, was that the plaintiff should have one-third at low-water, and the ordinary use at flood. As the only dam that has been proved to have existed for long, was Chapa katt; it is not improbable that the understanding between the parties was that the dam should be so re-constructed. But this is mere supposition; the agreement is not produced, and the collateral documents even do not show it. In fact, the plaintiff's whole rights are matters of admission on the part of defendant, and not of proof on that of plaintiff. By no terms, therefore, is it possible to consider defendant restricted to Chapa katt. But circumstances sometimes indicate that which is not expressed.

18. Are the features of the country such that the advantages promised to plaintiff would be lost if the site of the dam were altered? and would the plaintiff, therefore, suffer serious damage?

19. I have carefully considered this question with the professional aid of the witness, Mr. Laskey, and the topographical knowledge of the parties and their witnesses. It has been distinctly and fully admitted that the irrigation of plaintiff's lands is quite as possible from the proposed site for the dam as the old one, and that the change injures no one.

20. Under these circumstances, there is no ground on which any one can object to defendant's selecting this new site for his proposed, more permanent, costly dam.

21. The fourth issue is to the effect that the defendant, by long continued foregoing of his right to make dams on the river, is barred for ever from exercising that right.

22. The bar of legal limitation may be objected to the bringing of suits, and the use for a term of twenty years by another the resumption of some particular defined right; but if it were the case that an uncontested, unnoticed general power or advantage, if left unused to the full for twenty years, was thenceforth to be lost to the former owner except in so far exactly as he had used it, this would distinctly and simply prevent for ever the development of any country by the residents and rightful owners, and leave it a barred and closed waste to all except new comers, manifestly an absurdity.

23. This issue must, therefore, be given in favour of defendant.

24. I find, therefore, that the defendant has a right to construct a dam at Dhalāma katt or at such other spot as will not interfere with the rights of others, but that it must be so constructed as to leave to plaintiff the use of one-third of water at low-water, and not interfere with his general rights at other times.

25. Had defendant attended to this condition in the construction of the new dam, there would have been no cause of action against him.

26. As it appeared in the course of the suit, that, had plaintiff merely insisted on the dam being so constructed as to give him his rights, there is every probability a right so frankly admitted would have been attended to, and as plaintiff's much wider and untenable demand has had something to do with defendant's rather defiant, reckless act, it is just that the parties should share the cost of their mutual unreasonableness.

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27. Had the intelligent plaintiff taken a personal part in inquiring into this matter, there can be no doubt that this suit between him and the frank and reasonable defendant would have been avoided.

28. The second defendant being only the servant of the first defendant, and having no real interest in the suit, is relieved of all concern in the suit.

29. Costs divided.

The decree was as follows:—

"This Court doth order and decree that the first defendant has a right to construct a dam at Dhalama katt, or at such other spot on the river Boddera as will not interfere with the rights of others, but that it must be so constructed as to leave to plaintiff the use of one-third of water at low-water, and not interfere with his general rights at other times. It is also ordered that the second defendant be relieved of all concern in the suit, and that the costs of the suit be divided between the plaintiff and the first defendant.

From this decree the plaintiff appealed to the High Court on the following grounds:—

1. The District Judge is wrong in his view of the law, and his decision is opposed to the evidence and admitted facts of the case.

2. The decision is at variance with the very findings and propositions laid down by the Judge himself.

3. The right set up by the defendant never existed before; and if it ever existed at all, he is barred by non-setting it up by lapse of time.

4. The plaintiff never acquiesced in the defendant's claim to obstruct the stream in the manner he did.

5. The plaintiff's rights, as claimed by him, are admitted by the defendant himself.

6. As riparian owner, the plaintiff is entitled to his full share in, and to the unobstructed enjoyment of, the natural flow of the water in the river in question.

7. The defendant did not show that he had any title to obstruct this natural right; and it was for him to show that he had.

Mr. *Miller* (Mr. *Scharlieb* with him) contended, in support of the appeal, that the decree was very vague, and left the whole matter in dispute open to re-litigation; that the decree was inconsistent with the judgment, by which it was evident that the District Court intended to support the agreement set up by the plaintiff; under this agreement the plaintiff was entitled to the unobstructed flow of all the water from the Chapa katt dam, whereas, by the erection of the Dhalama katt dam, the defendant had appropriated the greater part, if not the whole, of the drainage of the country for the two miles of river course between the two dams. As to the old dam the evidence of the plaintiff's witnesses was clear and distinct; as to the alleged right of erecting another dam, and of the exercise of that right by the defendant, there was simply the conflicting statements of the two witnesses called by him. The Civil Judge easily disposed of this alleged exercise of the right to erect another dam. That the plaintiff is injured by the act of the defendant is so self-evident, that evidence on the subject is scarcely necessary; but there is the clear statement of the professional Engineer, Mr. Laskey, that the new bund must obstruct the flow of water to a great extent, that it may cause a silting up of the bed of the river, and if that occur, then that the water supply will cease entirely during the hot weather. There is the special agreement, practically admitted by the defendant, and found by the Civil Judge; and there is the general law upon the subject of right to flowing water in the cases of *Wright* v. *Howard*, 1, S. & S., 202; *Mason* v. *Hill*, 5, B. & Ad. In *Minor* v. *Gilmore* Lord Kingsdown laid down the law too broadly in the opinion of the Judges in *Lord Norbury* v. *Kitchin*, 9, Jur., N. S.

Defendant has caused injury to plaintiff by the erection of this new dam, but even if he had not, plaintiff is entitled to keep him to his agreement, and by law may sue him for obstructing the flow of the river. Plaintiff is, therefore, entitled to a perpetual injunction on defendant restraining him from building a dam at any other place than Chapa katt, or in any other manner than provided for in the agreement, and for an order directing defendant to remove the dam at Dhalama katt.

Mr. *Spring Branson*.—The judgment of the lower Court is right, and the decree is perfectly consistent therewith. Plaintiff sets up a special agreement, whereby the defendant can never build any dam on the river flowing through his lands, save at Chapa katt—this special agreement he has failed to prove. Plaintiff complains of injury inflicted on him by defendant, and quotes Mr. Laskey's evidence; but the word "if" therein, is unfortunate for plaintiff's contention, for Mr. Laskey says—if the bed of the river silt up then the flow of water will cease; but there is not a particle of evidence that the contingency has occurred. On the contrary, the Civil Judge finds that the plaintiff has suffered no injury. It is then contended that the ordinary law of the right of riparian owners of land to the water flowing past their estates applies, and plaintiff is entitled to sue even though he cannot prove actual injury. It is contended for defendant that if the English law applied, the defendant was clearly entitled to build the Dhalama katt; and if the Court be of opinion that the English cases do not apply to India, then the plaintiff cannot obtain compensation for an injury he has not suffered, or compel the defendant to abide by an agreement he has failed to prove. The English law, as laid down by Lord Kingsdown, in *Minor* v. *Gilmore*, XII, Moore's P. C., was approved

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of, and followed in *Nuttall* v. *Bramwell*, L. R., 2, Ex., 9 and 13; and applying that law to the present case, the defendant has only done what he was entitled to do. But it is submitted that the English cases do not apply. The true principle to be followed in such cases is laid down in *The Madras Railway Company* v. *Rajah af Karvetnugger* (VI, Mad. H. C. Rep., 185); and the Civil Judge has correctly applied that principle in the fifteenth paragraph of his judgment.

If, then, the plaintiff be suing on the alleged agreement, he has failed to prove his case; if he claim simply the rights conferred upon him by law, he has no case whether the English cases apply or not; for the defendant has only exercised the legal rights he possessed, and plaintiff is uninjured thereby.

Mr. *Miller*, in reply, cited V, Madras High Court Reports, page 6.

The High Court delivered the following

Judgment:—1st May 1874.

Chief Justice.—The judgment of the Court below is, I think, substantially right. For many years past the parties to this litigation have observed the arrangement or settlement which was arrived at in 1838, and it is upon a fair construction of that agreement that their present differences should be adjusted.

The plaintiff has, in the present suit, laid claim to rights far beyond those secured to him by that agreement. It would appear that by virtue of it he seeks to confine the defendant to such use of the stream as could be derived from a dam of the kind then existing, and erected at the very spot there mentioned, and to claim for himself the exclusive use of the waters of the stream below the dam with all such additions as they might receive.

But the rights of the defendant to the use of the stream cannot be so limited. He is entitled, subject to the plaintiff's just rights, to the use of the stream as it flows through his land, for purposes of irrigation and for all lawful purposes; and for such purposes he may erect and make such works as are sufficient to enable him to use the waters not merely at the place mentioned, but at other places. On the other hand, the plaintiff, under the agreement, may lawfully complain of the erection of works of such a character as the new dam—which, according to the evidence, will, if its construction be maintained, have the effect of intercepting the flow of water to the plaintiff's land, and so depriving him of that which is his due. When the water of the stream is low (and the agreement which has for many years been acted upon must be taken to prescribe a sufficiently accurate standard of measurement) the works erected by the defendant must be of such a description as to leave for the plaintiff's use such a quantity of water as, under the agreement, would flow to his land. The Court's decree defines the rights of the parties sufficiently, recognizing the defendant's right to construct such works as are sufficient for his lawful enjoyment of the water, and prohibiting him from the creation of any such works as would obstruct the plaintiff's use of the water under the agreement made and observed for many years. I would affirm the decision and dismiss the appeal. Each party will bear his own costs of appeal.

Kindersley, J.—I agree that it is not necessary to alter the decree of the District Court, which, in substance, declares that the first defendant has a right to construct a dam at Dhalama katt, or at such other spot on the river Bodderu as will not interfere with the rights of others; but that it must be so constructed as to leave to the plaintiff the use of one-third of the water at low-water, and not interfere with his general rights at other times.

It is conceded that there was an old agreement between the parties that the plaintiff was to be allowed the use of one-third of the water at low-water, and it has not been shown beyond this there was any further stipulation in the agreement restricting the defendant to the temporary dam at Chapa katt, and preventing him from building one on his own ground lower down the river.

Nor does it appear that any such restriction is imposed upon the defendant by the operation of the law relating to riparian proprietors generally.

In *Embray* v. *Owen* (6, Exch., 369), to which we have been referred, it was laid down that the right to have the stream to flow in its natural state without diminution or alteration was an incident to the property in the land through which it passed, but that flowing water is *publici Juris*, (see *Mason* v. *Hill*, 5, B. and Ad., 1), not in the sense that it is a *bonum vacans* to which the first occupant may acquire an exclusive right; but that it is public and common in this sense only, that all may reasonably use it who have a right of access to it, that none can have any property in the water itself, except in the particular portion which he may choose to abstract from the stream and take into his possession, and that during the time of his possession only. The right to the benefit and advantage of the water flowing past his land, is not an absolute and exclusive right to the flow of all the water in its natural state; if it were so, every abstraction of it would give a cause of action; but it is right only to the flow of the water, and the enjoyment of it, subject to the similar rights of all the proprietors of the banks on each side to the reasonable enjoyment of the same gift of Providence. It is only, therefore, for an unreasonable, and unauthorized use of this com-

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mon benefit that an action will lie. Again, it has been laid down by Lord Kingsdown, in *Miner* v. *Gilmore*, XII, Moore's P. C., 156, to which we have been referred, that by the general law applicable to running streams, every riparian proprietor has a right to what may be called the ordinary use of the water flowing past his land, for instance, to the reasonable use of the water for his domestic purposes, and for his cattle, and this without regard to the effect which such use may have in case of a deficiency upon proprietors lower down the stream. But, further, he has a right to the use of it for any purpose, or what may be deemed the extraordinary use of it, provided that he does not thereby interfere with the rights of other proprietors, either above or below him. Subject to this condition he may dam up the stream for the purpose of a mill or divert the water for the purpose of irrigation. But he has no right to interrupt the regular flow of the stream if he thereby interferes with the lawful use of the water by other proprietors, and inflict upon them a sensible injury.

In order to determine what is the ordinary use of the water of a running stream, regard must be had to the custom and usages of the country, and where we find the irrigation of the land a usual practice and a matter of national importance, as in this country, the Courts would probably be unwilling so to construe the law as to place an unnecessary check on the application of water by a riparian proprietor to so useful a purpose. So, it appears, that in the State of Massachusets in America, a man owning a close on an ancient brook may lawfully use the water thereof for purposes of husbandry, as watering his cattle, or irrigating his close, and if the owner of a close below is damaged thereby, it is *Damnum absque injuriâ* (1, Hilliard, L. of Ports, 597).

The water of the Boddern has been used by both parties for purposes of irrigation for a number of years: and there is, therefore, the less reason for saying in the present case that such use of it is an extraordinary use. I am inclined to think that each case should be decided on its own merits, and that it cannot be laid down as a general rule, still less as an invariable rule, that irrigation is even in India such an ordinary use of water as would justify its diversion to the prejudice of other riparian proprietors. But I agree that in the present case the defendant has applied the water to its ordinary use, and that the plaintiff has not shown that he has any right by the general law relating to running streams to prevent the construction of a dam at Dhalama katt or to restrict the defendant to the dam at Chapa katt provided that the plaintiff continues to receive not less than his one-third share at low-water. I, therefore, agree to dismiss this appeal, each party bearing his own costs.

HER MAJESTY'S PRIVY COUNCIL.

[MADRAS CASE.]

Rameswarem Pagoda — Pandaram — Right to appoint.

The Zemindar of Ramnad, alleging himself to be the Dharmakharta or Trustee of the Rameswarem Pagoda, and as such possessing the right to conduct the management of it, sued to appoint to the office of Pandaram, and to eject the present Pandaram on the ground of misappropriation, but principally on the ground that he had not been appointed to, or confirmed in, the office by the Zemindar.

HELD, *that the constitution and rules of religious brotherhoods attached to Hindoo temples are by no means uniform in their character, and that the important principle to be observed by the Courts is to ascertain, if possible, the special laws and usages governing the particular community whose affairs become the subject of litigation, and to be guided by them—that, in the case of the right put forward by the Zemindar of Ramnad, it was probable that the Setupatis, in the days of their power, exercised control over the pagoda, not by virtue of any proprietary right of patronage, but as the* de facto *rulers of the district, which position had since passed to the British Government—that on a review of the whole of the evidence, there was no instance of the appointment of a pandaram by the Zemindars satisfactorily proved, except that of the child by Muttu Ramalinga in 1793, nor of any pandaram having been kept out of his office or ejected from it, because the Zemindar had not confirmed his appointment—and that in the absence of proof of the actual exercise of either of the rights claimed, the appellant had failed to establish his pretension to oust the defendant pandaram from his office, because he was not appointed to, or confirmed in, it by him or his predecessors.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Rajah Muttu Ramalinga Setupati and others v. Perianayagum Pillai, Guardian, &c., from the High Court of Judicature at Madras, delivered 18th March 1874.

Present.

SIR BARNES PEACOCK.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

THE question raised in this appeal relates to the right of the Zemindars of the large and important Zemindary of Ramnad in the Madura District either to appoint, or to confirm the election of, the pandaram or head of the cele-

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brated and richly endowed pagoda of Rameswarem.

The possessions of this temple are estimated by the appellant to be of the value of 200,000*l.*

The plaint of the Ranee Zemindar (now represented by the appellant, the present Zemindar), filed so long ago as the year 1857, sought to oust the original defendant, Ambalavana Pillai, from the office of pandaram which he *de facto* held.

It alleged that the Zemindar was the dharmakharta or trustee of the pagoda, and had the right to conduct the management of it. It indirectly also asserted her right to appoint the pandarams, and concluded with a prayer for a decree to the effect that the Zemindar should conduct the management of the pagoda, and that the defendant pandaram should be removed from the management, and pay over the money in his hands to the Zemindar.

The plaintiff also charged the pandaram with misappropriation of the property, and the prayer for his removal was based on this charge, and also, though vaguely, on the ground of his not having been appointed to, or confirmed in, the office by the Zemindar.

The charges of misappropriation were not sustained by the evidence and have been abandoned; so also has the claim of the Zemindar to be placed in the direct management of the pagoda, and to have its funds placed in his hands. And the single question argued at their lordships' bar, and to which issue the cause was brought by consent in the High Court is, whether the Zemindar has established the right to appoint or to confirm the election of the pandarams of this great pagoda, and was entitled to a decree for the removal of the defendant from the office of pandaram because he was not so appointed or confirmed.

The early history of the pagoda is obscured by time, and its foundation cannot be shown. But it is evidently an ancient temple of great renown, which has long attracted pilgrims from all parts of India. It is situate on an island in the extreme south of India, connected with the lands of the zemindary by a causeway. The Rajahs of Ramnad were the guardians of this causeway, and had thence acquired the title of Setupati, or Lord of the Causeway.

It is asserted on the part of the pandaram that the pagoda of Rameswarem was an independent endowment, in which the Rajahs Setupati had no rights of patronage, or control, other than the general authority they assumed as the rightful or *de facto* rulers of the district, to prevent abuses in the management of its affairs, and to see that its laws and usages were properly observed.

The first records in the evidence are some inscriptions on stones found in the walls of the pagoda. The earliest inscription is on a mandapam, and states that the mandapam was erected by Munerama Nathan "as a place to halt for the god Ramesar, who was attached to this pagoda, founded by Mall or Vishnu." Its date is in the Salivahana era 1520, which corresponds with the Christian year 1588. It is evident from this and other inscriptions that the pagoda was an ancient temple at this time.

Subsequently, in the year of the Salivahana era 1607, the Rajah of Ramnad made a gift of five villages, and in 1609 another gift of eight villages to the pagoda. These grants, as the dates show, formed no part of the original endowment of the pagoda, and no condition is found in them creating or reserving any rights of patronage or interference in the affairs of the temple. There is evidence of similar gifts of villages from other Rajahs, among them the Rajah of Sivagunga, showing that the pagoda had been endowed by other donors than the Lord of Ramnad. Indeed, of the seventy villages belonging to the pagoda, thirteen only are proved to have been given to it by that Rajah. The right, therefore, now claimed by the Zemindar of Ramnad is not shown to have an origin in the foundation or subsequent endowment of the pagoda.

It may be observed, before further considering the evidence, that the case on both sides is singularly deficient in materials to elucidate the constitution of the community or brotherhood attached to this pagoda, the duties of the pandarams, and whether they are selected from a particular family or class. The claims of the Zemindars also have been put forward in the most uncertain way. They at one time asserted a right to be chief managers, and directly to appoint the pandrams as sub-managers, but that claim was not strongly urged by Mr. Mackeson at their lordships' bar. He mainly contended, in his elaborate argument, for the right to have the pandarams presented to the Zemindars for confirmation when nominated or elected by others. It is obvious, however, that there is a great distinction between a right to appoint and one to confirm; and if the latter only is insisted on, it still might be expected that some definite information would be given as to the manner of electing the candidate to be presented for confirmation. The absence of such evidence may perhaps be accounted for by the fact that the claim it was at first attempted to sustain was the right of direct appointment.

It is not, however, unimportant to observe that it appears to be the common practice in the Madras Presidency for pandarams to appoint their successors. (See Mr. Norton's Leading Cases, pp. 592-3).

But the constitution and rules of religious brotherhoods attached to Hindoo temples are by no means uniform in their character, and

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the important principle to be observed by the Courts is to ascertain, if that be possible, the special laws and usages governing the particular community whose affairs become the subject of litigation, and to be guided by them.

That principle was laid down by this Committee in an appeal involving the succession to the office of Mohunt of a richly-endowed Mutt in Rajgunge in these terms:—"It is to be observed that the only law as to these mohunts and their office, functions, and duties, is to be found in custom and practice, which are to be proved by testimony." (See XI, Moore's I. A., 428).

In this case the burden of proving that the right he claims is supported by usage lies upon the Zemindar, and the question to be decided is, whether he has sustained it.

It was contended on his behalf that the Zemindar of Ramnad is dharmakharta of the pagoda, and that it must be inferred from this title he had the power he claims. But the right to bear this title, and the functions belonging to its holder, are among the disputed questions involved in the general controversy between the parties. The title "Dharmakharta" may have a definite signification, but their lordships observe, in the proceedings of this record, it is used in different senses, sometimes to denote a trustee who appoints the pandaram, or head manager, and sometimes the manager himself. In the long contention which took place between the Zemindar and the pandaram in the Collectorate, as to the titles by which each was to address the other, the Collectors refused to allow either to assume this title. Their lordships, upon the imperfect information disclosed by the record, will, therefore, abstain from using this appellation, and will not attempt to define what the title as regards this pagoda indicates, or to whom it belongs; but will proceed to consider the substantial issue they have to determine, viz., whether the Zemindar has established the right, under whatever name, to make or confirm the appointment of pandarams.

It has been already stated that he has failed to show that such a right is derived either from the original foundation or any subsequent endowments of the pagoda by his predecessors.

The counsel for the Zemindar strongly relied on statements found in certain depositions as affording proof of the direct appointment and removal of pandarams by the Rajahs of Ramnad prior to the Christian year 1793; and if these statements were admissible and trustworthy, they would afford strong support to the Zemindar's case. The depositions were taken in 1815, on the death of Pandaram Ramanada, who had held the office from 1793. On his death Venkatachellum claimed to be his successor, alleging that he had been appointed by his predecessor according to custom. Objections were made to Mr. Peter, the Collector of Madura, against his appointment, upon the ground that he had not been nominated by the dying pandaram, but had been put forward after his death by certain persons attached to the pagoda. The Collector required the head Tahsildar to make inquiries as to the fact and time of Venkatachellum's appointment, and several depositions, the authenticity of which is not questioned, were taken by him, bearing on this matter. The statements in question appear to have been made at this time, but there is no satisfactory evidence to show they were obtained by any competent or independent authority. It is suggested that they were taken by the Tahsildar, but there is no proof of this, and the Tahsildar's report is not forthcoming. On the other hand, the form of the documents leads to the inference that they were not so taken. They are addressed "to the Company's Circar," signed by the deponents, and attested by two native witnesses, from which it may be inferred that they were written statements obtained on behalf of the Zemindar, and sent to the Tahsildar to be forwarded to the Collector. Their lordships think that such statements ought not to be received as proof of an important right, and that they were properly rejected as inadmissible by the High Court.

The first appointment of which there is trustworthy evidence occurred in 1793. In that year Muttu Ramalinga, then Setupati of Ramnad, appointed Ramanada to be pandaram.

Mr. Nelson's "Manual of the Madura Country," compiled by order of the Madras Government, describes the disturbed state of Ramnad and the rest of Madura at this time and for some years previously. A British force had been employed against the Setupati to enforce the rights of the Nabob of the Carnatic, and the district had afterwards passed under the direct authority of the British Government. This appointment of Ramanada was near the period of the transition of the sovereign power from the Nabob to the British Government. It appears from the authority above cited that, in 1792, Muttu Ramalinga showed symptoms of rebellion against that Government, and in 1795 he was deposed, and his sister, the Ranee, installed in the possession of the Raj. It was with this Ranee the permanent settlement was made in 1803. (See Part IV, p. 154).

The pandaram appointed by Muttu Ramalinga in 1793 was only five years old, and he took from this child a kararnamah, which is much relied on by the appellant.

It commences thus:—"As you have been pleased to appoint me for the management of the affairs of the pagoda at Rameswarem, I will cause pujah to be duly performed in the pagoda," &c.

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The instrument also contains the following passages:—

"In case of my dealing friendly with the enemies of the zemindary you may remove me, and appoint another person in my room. . . If I act improperly in these affairs, I shall submit myself to the orders of the Zemindar."

This appointment, and the kararnamah which followed it, would, under ordinary conditions, be entitled to great weight, but when the disturbed state of the district and the age of the pandaram are regarded, the transaction loses much, if not all, of its force as evidence of the right claimed.

Ramanada filled the office of pandaram until his death in 1815. After this date much valuable evidence is afforded by the proceedings of the Collectors.

The permanent settlement, as already stated, was made with the Ranee in 1803: but this settlement did not include the villages belonging to the pagoda, which had long been held free from tribute. Some years before 1815, both the zemindary and the pagoda had been under attachment. It was contended that the pagoda had been attached as part of the zemindary; but, although the orders of attachment are not set out, enough appears on the Record to negative this suggestion. It was not until after the zemindary had been attached in consequence of a disputed succession, that the pagoda was placed under attachment on account of the alleged mismanagement of the pandaram. (See Plaint, paragraph 3; Petition of Appeal, p. 66; and the Collector's Letter, 20th September 1832, p. 348).

Such was the state of things in 1815, when Venkatachellum claimed to be pandaram on the nomination of his predecessor. Two documents appear on the Record, both dated 19th July 1815, and addressed to the Collector; one from the dying Pandaram Ramanada, stating that he had appointed Setu Ramanada (Venkatachellum), whom he describes as "a relation of mine by blood, and a descendant of our family," to be his successor (p. 392); and another from Venkatachellum announcing his appointment, praying for instructions for his guidance, and that the attachment of the pagoda might be removed.

The Ranee Setupati disputed this appointment. In a letter of the 3rd August 1815, she prays the Collector to prevent his being invested with the parivattom cloth, and the other emblems of office. An inquiry was thereupon directed to ascertain whether Venkatachellum had been appointed by the dying pandaram; and before receiving any report from the Tahsildar, the Collector, on the 9th August, directed that officer to inhibit the installation of Venkatachellum as pandaram "until further orders" (p. 90).

This temporary injunction was, however, removed by the same Collector by an order of the 27th July 1816 (p. 347) directing the Tahsildar that Venkatachellum should be installed as pandaram with all usual ceremonies according to custom, and he was installed accordingly.

It was contended for the appellant that the order suspending the installation was made by the Collector as the representative of the Zemindar, whilst the zemindary was under attachment, and that the order authorizing it was a new appointment of Venkatachellum in the same right.

Their lordships are unable to concur in this view of the acts of the Collector. They think the proper construction to be placed on his action in the matter is, that the orders first suspending, and then directing the installation, were made by him as a public officer on the part of the Government, and not in virtue of any right derived from the Zemindar. It also appears to them that the last order did not profess to be, and was not an original appointment, but was an act of the Collector to give effect to the title derived from the nomination of the former pandaram. They are consequently of opinion that Venkatachellum's title to the office must be considered to rest upon the nomination of his predecessor, and not upon any appointment or confirmatory act proceeding from the Zemindar.

It will be convenient to consider what powers the Board of Revenue and the Collectors possessed, or *de facto* exercised in relation to religious houses.

The proceedings upon the accession of Venkatachellum, above described, took place before Regulation VII of 1817 was passed. But it is evident that before that Regulation the British Government, by virtue of its sovereign power, asserted, as the former rulers of the country had done, the right to visit endowments of this kind and to prevent and redress abuses in their management.

There can be little doubt that this superintending authority was exercised by the old rulers. Mr. Nelson in the Madura Manual says, "The principal pagodas, with their enormous establishments, their officiating priests, &c., were managed by a dharmakharta, or trustee and manager for life, who, as stated above, was usually a monk and guru." He had said just before—"The manager of the great pagoda at Madura seems to have been always a pandaram or saiva monk." Mr. Nelson evidently designates the manager, and not the person appointing him, as dharmakharta, who might be a monk or pandaram, in which case he would probably be known by the latter title. He then describes the duties of the manager:—"He collected and disbursed the revenues derived from the lands granted to the pagoda by the King and others, and from fees and offer-

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ings; appointed the officiating Brahmins and servants," &c.

He then says:—"The dharmakhartas held but little communication one with another, and recognized no earthly superiors except the King himself. Each was independent of all control, and acted altogether as he pleased. This freedom led naturally to gross abuses, and the King was compelled occasionally to interfere in the management of some of the churches." (Part III, Chap. 7, p. 162).

The King here spoken of was the ruler of Madura; but there is little doubt that the Setupatis of Ramnad, although the vassals of the Pandaya of Madura, exercised sovereign power within their own territories. Mr. Nelson says, "there is, therefore, a considerable amount of evidence which goes to support the claim to high antiquity put forward by the Ramnad Royal family. And, seeing that Rameswarem has been resorted to annually by large bodies of pilgrims, and that this would have been simply impossible unless some strong-handed prince or princes were ruling over the country in the neighbourhood, I think it may be pretty safely concluded that the principality of Ramnad had been in existence for many centuries before Sadeika Sevan (who seems to have lived in the sixteenth century) was made Setupati." (Manual, p. 111).

It appears, therefore, to be highly probable that the Setupatis, in the days of their power, exercised control over the pagoda, not, however, in virtue of any proprietary right of patronage, but as the rightful or *de facto* rulers of the district. The powers they enjoyed as sovereigns, whatever they may have been, have now passed to the British Government, and the present Zemindars can have no rights with respect to the pagoda other than those of a private and proprietary nature, which they can establish by evidence to belong to them.

That the new rulers, at an early date, exercised a controlling supervision and authority over the temples very clearly appears from a letter written in 1803, by the Board of Revenue to Mr. Hurdis, the Collector of Madura, of which the following extracts are printed in the Manual (Part IV, Chap. 5, p. 130):—

"The subject of devastanum lands is of great importance to the happiness of the people, and the attention paid to the interests of the pagodas by the immediate officers of the Government has been attended with the most beneficial consequences to the people in different parts of the peninsula."

After saying that the Governor-General had directed that the Collector should proclaim the restoration of the lands resumed from the pagodas by the late Government, the letter proceeds thus:—

"The administration of these lands forms a distinct question. The extensive abuses found to prevail with respect to these lands, with which the pagodas of Dindigul were endowed, render it expedient that the lands and affairs of the pagodas of Madura be conducted in the same manner as those of Dindigul, *under the immediate care of the Collector.*"

It is abundantly clear from this letter that long before Regulation VII of 1817 the British Government not only assumed the power to superintend the management of the property and affairs of the pagodas throughout the peninsula, but exercise its authority through the agency of the Collectors.

The preamble of the Regulation of 1817, after stating that large endowments had been granted by former Governments as well as by the British Government and individuals for the support of temples, and that the produce of such endowments were, in many instances, misappropriated, declares it to be "the duty of the Government to provide that all such endowments be applied according to the real intent and will of the grantor." It then enacts that the general superintendence of all endowments should be vested in the Board of Revenue, and prescribes the duties to be performed by them to prevent misappropriation of the funds. It also authorizes the Board to appoint local agents, and declares that the Collector of the district shall be *ex officio* one of such agents. (Sections 7 and 8).

The counsel for the appellant, whilst admitting that the proceedings of the Collectors subsequent to this Regulation might be equivocal with regard to the character in which they acted, strongly insisted that the acts of those officers prior to it could only have proceeded from, and must, therefore, be referred to the rights of the Zemindar vested in them under the attachment. This contention is, however, entirely disposed of, when it is established that at an early date the power of superintendence was intrusted by the Government to the Board of Revenue and the Collectors. The Regulation, in fact, merely defined the manner in which that power was thenceforth to be exercised.

The general authority of the Collectors as agents of the Government being thus shown, the ground is cleared for considering the question which was so much discussed on the argument, whether the Collectors in the various proceedings found in the Record were acting under such general authority, or as the appellant asserts in virtue of the rights of the Zemindar.

From 1815 until 1828, during the whole of which time both the zemindary and the pagoda were under attachment, there is no doubt that the pagoda was managed by the pandaram under the control of the Collectors, even in minute details, but the counsel for the appellant did not establish to their lordships' satis-

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faction the inference he sought to draw from this evidence, that the Collector's interference arose from his representing the Zemindar's interest. On the contrary, considering that the pagoda had been attached for the alleged misconduct of the pandaram, and having regard to the powers of superintendence entrusted to the Collectors as agents of the Government, both before and under the Regulation of 1817, they think that their interference ought to be referred to the exercise of these powers. This view is supported by the reports of the Collectors made during a subsequent attachment to be presently adverted to.

The long litigation respecting the succession to the zemindary ended in 1828, when a judgment of His Majesty in Council established the title of Ramaswami Setupati to the zemindary of Ramnad.

The attachment which had so long existed was thereupon removed. It appears from an order of the Collector, dated 21st April 1829, addressed to Ramaswami Setupati, that on his removal the pagoda was ordered to be delivered over with the zemindary to the Setupati, and for some time he appears to have assumed to control the management of it, as the Collectors had done. The appellant's counsel urged that this delivery of possession to the Zemindar, besides being in itself strong evidence in his favour, threw light on the proceedings of the Collectors throughout the time of the attachment. If the orders relied on had not been corrected, they might have been rightly so regarded, but they were, after full inquiry, superseded by subsequent orders hereafter referred to.

On 21st April 1830, Ramaswami Setupati died, having devised the zemindary to his two daughters. Both being minors, the management of the estate became vested in the Board of Revenue, acting as the Court of Wards, and so remained until 1846, when, on the deaths of the minors, the zemindary was restored to their mother Rani Setupati, who was the original plaintiff in the present suit.

Whilst the estate was under the care of the Court of Wards, a manager was appointed on behalf of the minor Zemindars. Disputes appear to have arisen between this manager and the pandaram, in consequence of the latter being kept out of possession of the pagoda, and the manager assuming the control of it.

The then Collector, Mr. Vivash, being appealed to by both, investigated their complaints, and on the 20th September 1832, made a report to the Board of Revenue, which is well worthy of attention.

In that report, paragraph 2, Mr. Vivash says:—

"2. The devastanum and chuttrums, of Rameswarem, were assumed by Mr. Peter with the sanction of your Board, in consequence of mismanagement by the pandaram, and entrusted to the superintendence of the head Tahsildar of Ramnad, and subsequently to the control of the Sub-Collector, who continued to manage the devastanum affairs until the Ramnad zemindary was made over to Ramasawmi Setupati, the Zemindar, in the year 1829; the Rameswarem devastanum was entrusted to the Zemindar's management at the same time as a temporary measure in consequence of the Sub-Collector having been appointed to another part of the district, and the Zemindar was the only responsible person to whom I could with propriety and safety entrust the management pending the determination of your Board as to provisions for the future devastanum management."

This statement confirms the view their lordships derived from the evidence, that, under the attachment, the Collectors acted as the agents of the Government in superintending the pagoda. It also shows that when, on the discharge of the attachment in 1839, the pagoda was entrusted by Mr. Vivash to the Zemindar's care, it was not so done because of any right belonging to him as Zemindar, as the appellant alleges, but as "a temporary measure" in the absence of the Sub-Collector: the Zemindar being a responsible person selected by the Collector to have the care of it, until the Board had decided upon the future management.

This view is confirmed by the statements of fact contained in other parts of the Report. Paragraph 3 states that, the pandaram appointed in 1815 was not allowed, as his predecessor, exclusive control, but "was ordered jointly with the Circar servants to conduct the devastanum affairs."

Again, paragraph 4 says: "The Ramnad Zemindar, or rather the manager on the (minor) Zemindar's behalf, urges his right to the management. . . . It appears to me unnecessary to dwell upon this claim as the Rameswarem devastanum has never been managed by the Zemindar since the date of the permanent sunnud; and before that period it is universally admitted that the pandarams in succession conducted exclusively the devastanum affairs."

It may be allowed that this latter statement ought not to be relied on as proof of the fact said to be admitted, but what the Collector says of the practice since the permanent sunnud would be derived from official records and experience.

Mr. Vivash further reports that, in his opinion, the supervision of the Zemindars would be useful to check abuses, and his recommendations are contained in paragraphs Nos. 5 and 6.

"5. I think, therefore, that the pandaram might, without objection, be placed in immediate

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management of the devastanum of Rameswarem and its revenues, that the expenditure and the sibbundy be arranged agreeably to a list fixed with reference to the usual disbursements, and that the Zemindar be appointed supervisor with authority to interfere in controlling expenditure and checking abuses, and that periodical accounts of receipts and disbursements may be rendered to the huzur for the purpose of preparing which a Huzur Goomastah may be employed at Rameswarem.

"6. 'Concurring with my predecessor that control over the devastanum expenditure and the devastanum affairs is necessary to preserve its revenues from spoliation, and to enforce a due performance of the necessary and usual ceremonies, as the country of Ramnad is under the management of the Zemindar's family, I would recommend that the Zemindar be nominated to this duty, because they are people of integrity and responsibility, and would, I have no doubt, discharge the duty of supervision with advantage, to the interest of the devastanum and their own credit."

It appears that this Report was laid before the Governor in Council, and a letter was thereupon written, and transmitted through the Board of Revenue to the Collector, approving of his proposed measures and directing them to be carried into effect.

The Collector afterwards sent an order to the manager of the zemindary, under the Court of Wards, directing him to put the pandaram in possession of the pagoda. The manager having hesitated to obey it, the Collector issued the following peremptory order :—

"*To the Gaurdian of Ramnad.*

"I have received and perused the urzi No. 14, addressed by you on the 23rd instant, to the effect that the pagoda of Rameswarem and the villages attached to it, should not be put in the possession of the pandaram, and that your man and the pandaram's man should jointly hold the management. Having examined the documents, &c., connected with the above matter for several days, I wrote to the Board the circumstances under which the said pandaram held the said pagoda and the villages attached thereto for a long time prior to the attachment by the Circar. In accordance with the orders issued in this matter by the Government and the Board, you were ordered to allow the pandaram to hold the said pagoda, &c. You should do so immediately. The delay is unfair. You wrote that your servants also should be employed together. This will create a great disturbance. Therefore, the custom must be followed up. Nothing can be done contrary to the custom. However, if the said pandaram misbehave for the future, it will be then taken into consideration. If you do not give him possession immediately the Circar officers shall be sent to put him in possession."

Nothing can be more decisive than this action of the Collector on the question of the character in which he was acting. So far from relying on the right of the Zemindar, he acted in direct opposition to the claims of his guardian.

The pandaram (Venkatachellum) having been thus restored to full possession of the pagoda, the manager for the Zemindar again put forward his claim to the management, and on this occasion he impeached the validity of the title under which the pandaram had held the office since 1815, asserting the Zemindar's right to appoint the pandarams as well as to manage the pagoda.

This new dispute was referred to the then Collector, Mr. Wroughton. His report upon it is dated the 7th January 1834. It appears that he examined the depositions sent to the Collectorate in 1815, and other documents, and he records the facts which, in his opinion, are adverse to the claims made on the part of the Zemindar. He also reported in favour of the title of the Pandaram Venkatachellum to the office.

The Board of Revenue upon this report made a minute on the 30th July 1835 that there existed no ground for questioning the validity of the appointment of the pandaram.

One of the objections urged by Mr. Mackeson to the judgment of the High Court was that the Judges had given too much weight to the Reports of the Collectors, which they described as "quasi-judicial proceedings." It is to be observed, however, that it is the duty of the Collectors, under Section 10 of the Regulation of 1817, to ascertain and report to the Board the names of the present trustees, managers, and superintendents of the temples, and by whom and under what authority they have been appointed or elected, and whether in conformity to the special provisions of the original endowment by the founder, or under any general rules. They are also, under Section 11, to report all vacancies, with full information, to enable the Board to judge of the pretensions of claimants, and whether the succession has been by descent, or by election, and if so, by whom. The Report, therefore, of Mr. Wroughton was entirely within his province, and the line of his duty.

Their lordships think it must be conceded that when these Reports express opinions on the private rights of parties, such opinions are not to be regarded as having judicial authority or force. But being the reports of public officers made in the course of duty, and under statutable authority, they are entitled to great consideration so far as they supply information of official proceedings and historical facts, and also in so far as they are relevant to explain the conduct and acts of the parties in relation to them, and the proceedings of the Government founded upon them.

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Whilst protesting against the weight given by the High Court to Mr. Wroughton's Report, Mr. Mackeson invoked the authority of the Collector's opinion contained in the last paragraph of it, in aid of his contention that the appointment was invalid without the zemindar's confirmation.

The paragraph is as follows :—

"Para. 13. It appears generally from the documents and witnesses produced on both sides, that it has been the established custom that the dying pandaram nominates one of his disciples, and that the election is reported for the Zemindar's sanction and approbation, who, therefore, issues orders to the stalathars of the pagoda to show him the usual respect and to obey his orders. At the time the present pandaram was nominated the zemindary was in dispute, and held under attachment by the Collector, so that the orders which would have, under other circumstances, emanated from the Zemindar, were passed by the Collector. The orders were dated 23rd July 1816, to the late head Tahsildar."

The opinion of Mr. Wroughton is clearly against the claim of the Zemindars to nominate to the office, and it may be doubtful whether he intends to support their pretension to a right of confirmation in the sense of a power entitling the Zemindar to reject the person elected, and to treat the pandaram who enters upon the office without his confirmation as an usurper.

But however that may be, their lordships have already said that the opinions of the Collectors are not to be treated as having judicial authority. They also think that if the opinion of Mr. Wroughton really is to the effect contended for, it is not well founded. They have already commented on the effect of the orders passed by the Collector in 1816.

It is very probable that the pandarams, on their election, were presented to the Setupati, not for the confirmation of their title, but to obtain from him, as the great chieftain of the district, a recognition of it, and to secure his protection and support.

In consequence of the recommendations contained in the Reports of the Collectors (1832 and 1834) rules were drawn up for the superintendence of the pagoda. They were to the effect that the pandaram was to be the manager, but an officer of the Zemindar was to superintend the management, reporting to the Zemindar, who was to send in the Reports to the Collector. It was expressly declared that this officer should treat the pandaram with great respect.

This state of things again led to frequent disputes. Mr. Blackburne, the Collector, writes to the Board that he had received no less than forty-two recriminatory complaints in eleven months from the manager of the zemindary and the pandaram. In consequence the pagoda was again placed under attachment; and the Collector, on the 17th September 1836, addressed orders to the pandaram and the manager stating that, as they gave vain trouble, and did not act up to the Board's orders, the management would be kept under attachment on behalf of the Circar until they came to an amicable settlement.

In April 1837, the disputants came to a formal compromise, and the pandaram promised to submit to the superintendence of the manager, and do certain things in conjunction with him. The razeenamah drawn up on this occasion was strongly relied upon by the appellant's counsel. Taken by itself, this agreement would certainly appear to recognize the manager as superintendent in right of the Zemindar; but, having regard to the recommendations in Mr. Vivash's Report, paragraph 5, that the Zemindar should be appointed supervisor, with authority to interfere in controlling expenditure and checking abuses, their lordships think that the acknowledgment must be referred to the power entrusted to the Zemindar as the nominee of the Government. Even if it had been shown that some power of superintendence resided in the owners of the zemindary, it would not at all follow that the right to interfere in the appointment of pandarams belonged to them.

Pandaram Venkatachellum continued in office until his death in November 1854, having filled it since 1815.

Before his death he appointed as his successor Chockalingam Pillai, who continued in office until his death in February 1857. He appointed Chidambara Pillai to succeed him, who died shortly afterwards, having first nominated Ambalavana Pillai, the original defendant in this suit, to be his successor.

It results from a review of the whole mass of evidence in this case that there is no instance of the appointment of a pandaram by the Zemindars satisfactorily proved, except that of the child by Muttu Ramalinga in 1793, nor of any pandaram having been kept out of his office or ejected from it, because the Zemindar had not confirmed his appointment.

In the absence of proof of the actual exercise of either of the rights claimed, the rest of the evidence, for the reasons already given, is in their lordships' opinion wholly insufficient to maintain them. They are, therefore, of opinion that the appellant has failed to establish his pretension to oust the pandaram from his office, because he was not appointed to, or confirmed in, it by him or his predecessors.

In the result they will humbly advise Her Majesty to affirm the decree of the High Court, and to dismiss this appeal with costs.

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MISCELLANEOUS.

MADRAS AGRICULTURAL EXHIBITION, 1874.

The following List shows the names of the Judges and the Prizes awarded by them at the recent Agricultural Exhibition held at Madras :—

SECTION A.—LIVE STOCK.

CLASS I AND II.

Judges.

1. Dr. Pritchard.
2. J. H. Blair, Esq.
3. M. R. Ry. Rungiah Reddy.
4. ,, Hurry Row.
5. Colonel Clementson.
6. A. Wedderburn, Esq.

SECTION A.—LIVE STOCK.

CLASS III AND IV.

Judges.

1. Dr. Burn.
2. Agustus Arathoon, Esq.
3. M. R. Ry. M. Vencatasamy Naidu.
4. ,, Dorasamy Iyer.
5. W. Sharkey, Esq.
6. J. D. B. Gribble, Esq.
7. A. M. Jones, Esq.

SECTION A.—LIVE STOCK.

CLASS V.—POULTRY, &c.,

and

SECTION C.—MISCELLANEOUS.

Judges.

1. The Hon'ble J. D. Sim, C. S. I.
2. Clement Simpson, Esq.
3. W. B. Liddell, Esq.
4. M. R. Ry. Arumuga Mudaliar.
5. ,, Pothem Vencatachella Chettiar.

SECTION B.—VEGETABLE PRODUCTIONS.

CLASS I—DIVISION (*a*), (*b*), (*c*), AND (*d*).

Grains and Pulses.

Judges.

1. The Hon'ble W. Robinson, C. S. I.
2. W. R. Barlow, Esq.
3. Dr. Cornish.
4. M. R. Ry. S. Vijiyaragavulu Chetty.
5. ,, R. Ragunatha Row.

SECTION B.—VEGETABLE PRODUCTIONS.

CLASS I.—DIVISION (*e*), (*f*), (*g*), AND (*h*).

Judges.

1. The Hon'ble V. Ramiengar, C. S. I.
2. Hyder Jung Bahadur.

SECTION B.—VEGETABLE PRODUCTIONS.

CLASS I.—DIVISION (*i*) AND (*j*).

Judges.

1. Colonel Benson.
2. Colonel Shaw Stewart.

SECTION B.—PLANTATION AND JUNGLE PRODUCE.

CLASS II.

Judges.

1. H. E. Sullivan, Esq.
2. Captain Walker.
3. A. Smith, Esq.
4. A. J. B. Atkinson, Esq.

SECTION D.—MACHINERY, &c.

Judges.

1. R. F. Chisholm, Esq.
2. J. N. Grainger, Esq.
3. Colonel Rogers.
4. Nazoomudeen Sahib.
5. Sama Row.

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OFFICIAL PRIZE LIST.

SECTION A.—LIVE STOCK.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
		PONIES AND ASSES.—CLASS I.		
		27 animals exhibited		
1	Pony-Stallion ...	R. F. Chisholm, Esq., Madras	Special.	20
		CATTLE.—CLASS II.		
		148 animals exhibited.		
2	Bull, any Indian breed, fit for getting Dairy Stock ...	Bolinedi Audinarayudu, Nellore ...	1st Prize.	50
2	Do. do. do. ...	Bollinum Venkiah, Nellore	3rd „	15
3	Do. any breed do. ...	E. J. Lecot, Esq., Madras	1st „	50
3	Do. do. do. ...	Guddum Pera Reddy, Nellore ...	3rd „	15
4	Do. do. for getting Draught Cattle ...	Kunta Govindu, Nellore	1st „	50
4	Do. do. do. ...	Guntoo Venkiah, do.	2nd „	30
4	Do. do. do. ...	Bollinum Veukiah, do.	3rd „	15
5	Best bull, under 3 years old ...	Kunta Govindu, do.	Special.	65
6	Cow, imported, any breed, suitable for breeding Dairy Stock.	J. P. Waller, Esq., Madras	1st Prize.	50
7	Do. any Indian breed, in milk, suitable for breeding Dairy Stock ...	R. Hurri Row, Esq., Mylapore ...	1st „	50
7	Do. do. do. do. ...	A. Arathoon, Esq., Nungumbaukum...	2nd „	30
7	Do. do. do. do. ...	Ahmed Buksh, Nellore	3rd „	20
7	Do. do. do. do. ...	Yagambara Reddy, Madras	Special.	15
7	Do. do. do. do. ...	Govindu Pillay, do. ...	Do.	15
7	Do. do. do. do. ...	Madaconda Veuketramudu	Do.	15
7	Do. do. do. do. ...	Danampudy Chinua Kottadu, Nellore.	Do.	15
8	Do. any breed, in milk, suitable for getting Dairy Stock.	Conday Narasudu, Nellore ...	1st Prize.	50
8	Do. do. do. ...	A. Arathoon, Esq., Nuugumbaukum...	2nd „	30
8	Do. do. do. ...	Do. do. ...	3rd „	20
8	Do. do. do. ...	Kanamaul Subbadu, Nellore ...	Special.	15
8	Do. do. do. ...	Chucka Kottadoo, do.	Do.	15
8	Do. do. do. ...	E. J. Lecot, Esq., Madras ...	Extra.	50
9	Do. do. suitable for breeding Draught Cattle ...	Puppula Kottadoo, Nellore	1st Prize.	50
9	Do. do. do. ...	Bollinum Venkiah, Do. ...	2nd „	35
9	Do. do. do. ...	E. Thompson, Esq., Sydapet	Special.	15
9	Do. do. do. ...	Parthasarathy Pillay, Madras ...	Do.	15
9	Do. do. do. ...	Chucka Kottadoo, Nellore	Do.	15
9	Do. do. do. ...	Coya Jyagadoo, do. ...	Do.	15
10	Heifer, any breed, under 3 years old ...	R. Hurry Row, Esq., Mylapore ...	1st Prize.	30
10	Do. do. do. ...	Chucka Kottadoo, Nellore ...	2nd „	20
10	Do. do. do. ...	Ainapudi Chendrugadu	Extra.	20
10	Do. do. do. ...	Puppula Kottadoo, Nellore ...	Do.	20

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SECTION A.—LIVE STOCK.—*(Continued.)*

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
		CATTLE.—CLASS II.—*(Continued.)*		
10	Heifer, any bread, under 3 years old ...	Mrs. Robertson	Extra.	20
10	Do. do. do. ...	Kuttah Ramudu, Nellore ...	Do.	20
10	Do. do. do. ...	Sacundu Kondadoo, do.	Do.	20
10	Do. do. do. (best.)	Danampudi Lutchiminarasu, Nellore...	Special.	40
10	Do. do. do. (do.)	Danampudi Ramoodoo, Nellore ...	Do.	50
10	Do. do. do. ...	Kunta Nursudoo, Nellore ...	Do.	20
10	Do. do. do. ...	Kunjadu Chinna Kottadu, Nellore ...	Do.	15
		SHEEP AND GOATS.—CLASS III.		
		82 *animals exhibited.*		
	Rams—			
	Patna breed ...	Dr. Shortt, Kilpauk, Madras ...	Special.	15
	Coimbatore breed ...	Ramakistnama Naidu, Coimbatore ...	1st Prize.	20
	Do. do. ...	G. B. Labourn, Esq., Madras ...	2nd „	10
	Do. do. ...	Narayana Naidu, Coimbatore ...	Extra.	15
	Do. do. ...	Kunta Govindu, Nellore	Do.	10
	Nellore do. ...	Karamaul Soobbadoo, Nellore ...	2nd Prize.	10
	Bussorah do. ...	Dr. Shortt, Kilpauk, Madras	Special.	30
	Bellary do. ...	Do. do. do. ...	Do.	10
	Mysore do.	Do. do. do.	Do.	15
	Mixed do. ...	Mooneesawmy, Sydapet ...	Do.	10
	Ewes—			
	Sydapet breed	Chaboo Meah, Sydapet	Do.	10
	Do. do. ...	Ramasawmy Pillay, Sydapet ...	Do.	10
	Coimbatore breed ...	G. B. Laybourn, Esq., Madras	2nd Prize.	10
	Patna breed ...	A. Aratboon, Esq., Nungumbaukum...	Special.	15
	Wethers—			
	Wether	Dr. Shortt, Kilpauk, Madras	Do.	20
	Goats—			
	He Goat	Kunta Govindu, Nellore	1st Prize.	10
	Do.	Chucka Kottiah	3rd „	5
	She Goat	Mrs. E. Thompson, Guindy, Sydapet...	1st „	10
	Do.	Do. do. do. ...	2nd „	7½
		SWINE.—CLASS IV.		
		15 *animals exhibited.*		
	Sow, bred in India, small size...	A. Arathoon, Esq., Nungumbaukum...	2nd Prize.	10
	Boar do. do. ...	Do. do. do. ...	Special.	15

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SECTION A.—LIVE STOCK.—(*Concluded.*)

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
		POULTRY, RABBITS, &c.—CLASS V.		
	Exhibits—	Pigeons 109		
		Rabbits 25		
		Fowls 216		
		Ducks and Geese 21		
		Turkeys and Guinea Fowls ... 11		
2	Dorking Fowls, bred in India...	Mrs. Robertson, Sydapet ...	1st Prize.	10
3	Cochin China Fowls, imported.	David Ballantyne, Esq., Royapet ...	Do.	15
4	Do. do. bred in India	A. Arathoon, Esq., Nungumbaukum...	Do.	10
6	Brahma Pootra Fowls, do. ...	Do. do. do. ...	Do.	10
6	Do. do. ...	Mrs. Cornish, Teynampet, Madras ...	Extra.	10
8	Black Spanish Fowls, do. ...	David Ballantyne, Esq., Royapet ...	1st Prize.	10
10	Any other indigenous breed of Fowls	Mahomed Hoossain, Triplicane ...	Do.	10
11	Any breed of Fowls ...	Venketramanjuloo Chetty, Madras ...	Do.	10
11	Do. do.	Mrs. Gerdes	2nd Prize.	5
15	Turkeys, bred in India ...	A. Arathoon, Esq., Nungumbaukum...	1st „	10
17	Geese, do.	Mrs. Lawson, Palaveram	2nd „	5
18	Pigeons, any breed ...	Mahomed Esack, Triplicane ...	1st „	10
18	Do. do.	Soobroy (Butler), Sydapet	Extra.	10
13	Ducks, bred in India ...	A. Arathoon, Esq., Nungumbaukum...	1st Prize.	10
19	Rabbits, any breed	Ramasawmy (Butler), Adyar	Do.	10
20	Eggs, (Fowls)	C. Simpson, Esq., Nungumbaukum ...	Do.	5
20	Do. do.	Mrs. Gerdes	2nd Prize.	3
	Half-bred Brahma Pootra Fowls.	Abboy, Mattupallium, Sydapet ...	Extra.	5
	Do. do. do...	Ramoodoo (Woddur) do.	Do.	3
	Do. do. do...	Appavoo („) do. ...	Do.	2
	Do. do. 5 Chickens.	Rungadoo („) do.	Do.	2
	Do. Brahma Pootra Fowls.	Ethirajooloo („) do. ...	Do.	2

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SECTION B.—VEGETABLE PRODUCTIONS.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
		FIELD PRODUCE.—CLASS I.		
		Grains.—Division (a.)		
1	Carolina Paddy	A Arathoon, Esq., Nungumbankum ...	1st Prize.	10
1	Do.	M. R. Ry. S. Vijiyaragavulu Chettiar, Sydapet	2nd „	7½
2	Sumba Paddy	„ do. do. ...	1st „	7½
2	Do.	„ A. Gooroosawmy Moodelliar, Sydapet	3rd „	2½
2	Other varieties of Paddy ...	A. Sunkariah, Esq., Cochin State ...	Special.	5
2	Do. do. ...	Mr. Dorasawmy Iyer, for various Ryots in Conjeveram Taluk	Do.	5
2	Do. do.	Sabashkhan Saib	Do.	5
2	Do. do. ...	Venketasawmy Chetty, Sydapet ...	Do.	2½
2	Do. do.	Balaj Sing, do.	Do.	2½
4	Raggy	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	1st Prize.	7½
4	Do.	Mr. J. Lomagan	2nd „	5
5	Tenney	Ramasawmy Naidu, Sydapet ...	3rd „	2½
6	Shamay	A. Sunkariah, Esq., Cochin State ...	3rd „	2½
7	Varagoo	Ramasawmy Naidu, Sydapet ...	2nd „	5
8	Cumboo	Do. do.	2nd „	5
9	Yellow Cholum	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	1st „	7½
10	White do.	Chucka Kottadoo, Nellore ...	1st „	7½
11	Red do.	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	3rd „	2½
12	Maize	Soobroy (Butler), Sydapet	2nd „	5
		Collection of Grains.—Division (b.)		
1	Collection of Grains ...	Hurri Row, Esq., Mylapore ...	1st „	30
	Do. do.	Do. do.	Special.	30
		Pulses.—Division (c.)		
1	Horse-gram	Ruthna Chetty, Guindy, Sydapet ...	3rd Prize.	2½
3	Black do.	A. Gooroosawmy Moodelliar, Sydapet.	1st „	7½
3	Do. do.	Venketasawmy Chetty, do. ...	3rd „	2½
4	Green do.	Rungasawmy Naidu, do. ...	2nd „	5
		Collection of Pulses.—Division (d.)		
1	Collection of Pulses ...	Venketasawmy Chetty, Sydapet ...	Special.	2½
		Oil-seeds.—Division (e.)		
1	Caster-oil Seed	A. Gooroosawmy Moodelliar, Sydapet.	2nd Prize.	5
	Lamp-oil do.	A. Sunkariah, Esq., Cochin State ...	Special.	7½
	Do. do.	Soobooroya Chetty, Sydapet ...	Do.	2½

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SECTION B.—VEGETABLE PRODUCTIONS.—(*Continued.*)

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
		Oil-seeds.—Division (e).—(Continued.)		
2	Gingelly-oil Seed, Black ...	A. Sunkariah, Esq., Cochin State ...	1st Prize.	7½
2	Do. do. White ...	Ruthna Chetty, Guindy, Sydapet ...	3rd „	2½
2	Do. do. do. ...	Soobroya Chetty, Sydapet ...	Extra.	2½
2	Do. do. Red ...	Ramasawmy Naidu, Sydapet	Do.	2½
3	Linseed	Ragava Chetty, Sydapet	2nd Prize.	5
5	Cotton-seed	Venkatasa Chetty, do.	3rd „	2½
5	Do.	Ruthna Chetty do.	Extra.	2½
		Fibres.—Division (g.)		
4	Cleaned Cotton	A. J. B. Atkinson, Esq., for various Ryots in Cuddapah District ...	2nd Prize.	7½
9	Jute Fibre	Ramasawmy Naidu, Sydapet	1st „	10
		Collections of Fibre.—Division (h.)		
1	Collections of Fibre	J. H. Brougham, Esq., Salem ...	1st „	30
1	Do.	W. D. Horsely, Esq., Collector of Cuddapah, for a Ryot in Cuddapah District	2nd „	20
		Fodder, green and dry.—Division (i.)		
1	Lucerne	Col. Clementson, St. Thomas' Mount..	1st „	10
1	Do.	Soobroy (Butler), Sydapet ...	3rd „	5
2	Guinea Grass	Do. do.	1st „	10
6	Hurriali do.	Col. Clementson, St. Thomas' Mount..	2nd „	7½
6	Do. do.	Soobroy (Butler), Sydapet ...	3rd „	5
		Special Crops.—Division (j.)		
2	Sugar-cane	J. D. B. Gribble, Esq., for a Ryot in Cuddapah District	1st „	10
2	Do.	H. H. the First Prince of Travancore.	2nd „	7½
2	Do.	Soondra Naicker, Vunnia Tenampet...	3rd „	5
4	Tobacco	Tahsildar of Athoor, for a Ryot in Salem	1st „	10
4	Do.	Moothoosawmy Moodelly, Trichinopoly	2nd „	7½
4	Do.	Byappah Reddy, Cuddapah ...	3rd „	5
6	Indigo	Kunta Govindu, Nellore	1st „	10
6	Do.	Butchee Reddy, Vyrgampackum ...	2nd „	7½

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SECTION B.—VEGETABLE PRODUCTIONS.—*(Concluded.)*

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
		PLANTATION AND JUNGLE PRODUCE.—CLASS II.		RS.
1	Coffee	F. Sherman, Esq., Kotagherry ...	1st Prize.	50
1	Do.	Messrs. Grant & Co., and Messrs. Arbuthnot & Co.	2nd „	25
1	Do.	A. Sunkariah, Esq., Cochin State ...	Special.	25
2	Green Tea	J. H. Findlay, Esq., Radanade ...	1st Prize.	30
3	Black Tea	Mrs. Morgan, Ootacamund	1st „	30
3	Do.	Do. do.	2nd „	20
5	Cardamom	A. Sunkariah, Esq., Cochin State ...	2nd „	5
8	Arrowroot	G. B. Laybourn, Esq., Madras ...	1st „	10
8	Do.	Do. do. do.	2nd „	5
10	Ginger	H. H. the First Prince of Travancore.	1st „	10
10	Do.	Soobba Reddy, Athoor	2nd „	5
11	Turmeric	Basar Jal, Cuddapah	1st „	10
11	Do.	H. H. the First Prince of Travancore...	2nd „	5
13	Tassa Silk	Dr. Shortt, Shervroy Hills ...	1st „	20
14	Silk of any other variety 100 Cocoons	Messrs. Dymes and Co., Madras ...	1st „	20
16	Do. do. reeled ...	Do. do. do. ...	1st „	10
18	Honey	Soobba Reddy, Cuddapah	1st „	5
19	Bees' Wax	J. H. Brougham, Esq., Salem ...	1st „	5
19	Do.	A. Sunkariah, Esq., Cochin State ...	2nd „	3
	Collection of woods	J. H. Brougham, Esq., Salem ...	Special	50
	Collection of gums	Do. do. do.	Do.	20

SECTION C.—MISCELLANEOUS.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
4	Fresh Butter	Mrs. Robertson, Sydapet	1st Prize.	10
6	Ghee	A. Arathoon, Esq., Nungumbackum ...	1st „	5
	Other Prizes (Origaloo) ...	Kunta Govindu, Nellore	Special.	10
	Do. (Coriander) ...	Pulla Row	Do.	2
	Do. (Sarapapoo) ...	J. D. B. Gribble, Esq., for a Ryot in Cuddapah	Do.	2½
	Do. (Sugar-candy)...	Do. do. do. ...	Do.	5
	Do. (Skins) ...	Ramasawmy Moodelly, Madras ...	Do.	20

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SECTION D.—MACHINES, IMPLEMENTS, TOOLS, &c.

Prize List No. Competing for.	Exhibits.	Names of Exhibitors.	Prize.	Amount.
				RS.
1	Stone Mortar	M. Ramasawmy Naicker, Triplicane...	2nd Prize.	25
4	Cotton Cleaning Machine ...	Kunta Govindoo, Nellore	Special.	10
8	Wood Plough, with working parts of iron, for general purposes	Do. do.	2nd Prize.	10
9	Iron cultivator or Grubber ...	Buchay Reddy, Veeragambaukum ...	1st „	20
14	Seed Drill	Kunta Govindoo, Nellore	1st „	20
14	Do.	V. Vencatasawmy Chetty, Sydapet ...	2nd „	10
14	Do.	K. Veera Chetty, do. ...	3rd „	5
14	Do.	Thennarunga Chetty, do. ...	Extra.	10
14	Do.	Buchay Reddy, Veeragambaukum ...	Do.	5
15	Cart for general agricultural purposes	Kunta Govindoo, Nellore	Special.	20
17	Best and most economical arrangements for raising water for irrigation ...	A. Goorusawmy Moodelly, Sydapet ...	Do.	50
17	Best do. (Iron bucket)...	Buchay Reddy, Veeragambaukum ...	Do.	10
17	Do. do. (Reciprocating Pecotta)	W. Morgan, Esq., Vizagapatam ...	Do.	5
17	Do. do. (Double) do.	Do. do. ...	Do.	5
18	Collection of Implements and Tools	Messrs Oakes and Co., Madras ...	1st Prize.	100
30	Set of Dairy Utensils	Mrs. Robertson, Sydapet	1st „	30

THE POSITION IN BEHAR.

THE economic condition of Behar invests its position with an aspect fitted to create the justest alarm. A few months ago, an account sent in to Government says of one district—“The condition of the ryot in this part of the “country is truly miserable. They cannot “(except perhaps the Gath ryot, holding up-“wards of twenty beegahs*)” *save anything from their labour, and they exist on the “barest necessaries of life.*” We fear, that this is but too true a description of the mass of cultivators throughout the province; and if it be so we need not say anything as to the prospect before us.

The condition of the “ryot” and the “labourer” is again officially described as follows:—

“Taking the district south of the Ganges first, we have in the sub-divisional officers' reports the strongest and most sensational descriptions of the poverty and misery of the ryot. It is strange to find, from the two neighbouring sub-divisions of Behar and Nowada, similarly strong denunciations of the oppression habitually exercised by the Zemindar towards the poorer class of ryot, and of the wretched condition of the latter, when we consider that one of these officers is a Bengalee Brahmin, and the other a Mahomedan of Behar who speaks of a system with which he must have been familiar from his youth. Both speak of the ryots as reduced to a state which only keeps them alive, *and leaves no margin for distress* or bad seasons.”

“In Gya the *agricultural labourer* lives really from hand to mouth; and is worse off perhaps than anywhere else in the division. Two seers to three seers of some coarse grain, eaten as suttoo with water twice a day (if fortunate), suffices to support life, and enables him to work.”

The first of these paras. describes the condition of the *ryot;* the second that *of the labourer.* Both alike are in danger of perishing. The *ryot* might, as it seems to us, be saved by empowering him to hold the crops

* The beegah is nearly an acre in Behar.

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now on the ground; the *labourer* will then remain, and the difficulty of saving *him* will be overwhelming, and will tax all the powers of the State.

With twenty millions of people to feed, who are in the virtual condition of day labourers, the prospect may well, we say, excite alarm. If matters really are as described in these reports, there is but one measure, we believe, that can avert a very awful calamity, and that is, that we should empower the ryot to hold every blade of fodder, every ear of grain, and every anna of other produce now in the fields.

We know well, how wide is the difference between "irresponsible" counsels like these, and the deliberate putting forth of a manifesto by the head of the State, adopting a course of action the whole responsibility of which will be personally charged upon himself, if it should prove premature or needless. We know also that to many, this advice will seem Utopian, desperate, and we know not what else; but we can only reply that if we were satisfied that the state of matters in Behar is truly described, and the condition of the ryot is such as it is generally understood to be, we should take instant steps to prevent the *mis*appropriation of the standing crops.

If any man can carry the provinces through such a crisis as threatens us, we believe it is Sir George Campbell, if he have full powers to deal with the emergency as may seem necessary to him. Armed with these powers, we think, he should be ready at any moment to suspend all civil suits for rents or advances in the threatened districts. There would be no cancelment of debts, no confiscation of rights, but simply a necessary, just, inevitable suspension of their exaction. And this measure would probably save the mass of the ryot population at a stroke, leaving the *labouring* classes only upon our hands. We may possibly save that class if it stand alone, but we shall never save ryot and labourer too.

It is almost needless to point out that where we are likely to break down, is in the distribution of the food reserves in the province. We have had this subject constantly before our mind for years, and have long seen clearly that the only effectual protection a people, so situated as the agricultural masses of India, can have against famine, is the habitual possession of individual hoards of grain sufficient to tide them over the failure of two successive seasons. The instinct of the people has of itself taught them this; and so deeply has the dread of famine burnt itself into their minds, that a well-to-do ryot is never at ease, unless he has a full year's supply of grain in his own house for the sustenance of his family. In the Eastern districts the ryot, whenever he has the means of doing so, keeps *two* years' supply of rice under his own hand, and will on no account trust to his power of purchasing grain of the mahajun or dealer in such crises. That which we have ever set before our own mind as the proper aim of our rule concerning the land, is the elevation of the agricultural class throughout India into a peasant proprietary, holding their food reserves in their own hands, and able, by means of those reserves, to tide themselves and their children over seasons of drought and famine, altogether independently of the mahajun.

There is nothing Utopian in this, nothing unattainable; and our writings for the last twelve years have all been directed to its accomplishment. That which makes famine so terrible in India is the poverty of the ryot. Partly through improvidence, but more largely through the oppressions of the Zemindar and the mahajun, we find the class in some of the most densely-populated parts of the country, as in Behar, reduced to the condition of the agricultural labourer of our own country. A few years ago, it was the fashion to maintain that the only way to meet famine was to revolutionize the land system of the country, confer an absolute proprietary right upon a small landlord class, substitute large farms for the *petite culture* of the provinces, and reduce the masses to the position of agricultural labourers. The late Colonel Baird Smith, at the very moment when he was showing that it was the labouring class that suffered and died in the famine of 1861 in the North-West, was so dominated by these views as to advocate them in the very report that showed how fatal such a revolution must ever be. The error was as clear to us then as it is now, and has ever been. Concerning the Orissa famine, we wrote in the *Times of India* in 1866:—

Were it possible for Bengal to suffer such a drought as has afflicted Orissa, not all the power of the empire could save the masses of its agricultural population from perishing of starvation. Food might exist at the very gates of the province, while the plains of Bengal would be whitened with the skeletons of starved men and children, from the sheer impossibility of any organization that could be devised for distributing that food. In 1846 it was found impossible in Ireland, even at the very doors of wealthy England, to save two or three millions of our fellow-countrymen from perishing of starvation: what in similar circumstances would be our chance of saving the twenty-five millions of paupers in Bengal? It is amazing that considerations of such magnitude can be lost sight of by those who desire to see the Permanent Settlement everywhere, and who avowedly regard it as one of the chief recommendations of that settlement that wherever introduced it will tend to reduce the peasant cultivator to the condition of a day labourer, and to concentrate the soil in few hands. Safety lies in the discouragement of all measures with so fatal a tendency in them. A flourishing

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peasant proprietary with small accumulations, will pass any period of drought comparatively unharmed, where mere labourers are in danger of perishing to a man. It is our full conviction, based upon the known condition of the ryots of this Presidency (under thirty years' leases) that were a period of severe drought to overtake them, there is no reason to apprehend any very severe suffering among them; while there is no province of the empire that has half so much cause to dread the occurrence of such a season as permanently settled Bengal.

We have a population of indefinite magnitude to carry through the next nine or ten months with a food reserve of doubtful sufficiency; a part of it *fortunately* on the ground uncut, and the remainder in the hands of the mahajuns and dealers. Over the latter we have no control, nor have the people any. The reserves, instead of being in the hands of the people themselves, are in the hands of a small class of men who, without being in any way worse than other men, will regard this calamity primarily as an opportunity for enriching themselves. Many of them, no doubt, will be kind and charitable, but it is idle to expect them to give their grain away, or to sell it below the rates that must prevail. *There remain the crops on the ground.* What are we going to do with them? They are mortgaged universally; and the whole of these crops will be divided within a few weeks between the Zemindar and the mahajun, unless we interfere and stay their hand. We say boldly that we would prevent that division. We would suspend all collection of the land revenue, and simultaneously the payment of rents, and the execution of all contracts for the delivery of produce. We are in one of these extremities in which nothing but decisive measures will save the people. If we allow the crops now on the ground to go into the hands of the Zemindar and the mahajun, the fate of the people will, we fear, be sealed; unless a machinery for redistributing these crops amongst the people should drop from heaven upon us. If we empower the people to hold the crops now in the fields, suspending all suits for rent against them, or for delivery of produce, they may be saved. We shall then have placed in their hands reserves that will carry them, we may hope, through the famine, without suffering its last horrors; but if we allow the crops on the ground to go into the hands of the dealers, our own belief is that multitudes will perish. The measure is simply one of justice to the people, and is, we believe, absolutely necessary. It is only of the same order as the bold, but enlightened action of the French Government the other day in suspending all actions upon Bills of Exchange during the war. In spite of the jealous and peremptory views held in the commercial world as to the payment of acceptances, the Government suspended all actions thereon until the close of the war. The suspension lasted nearly a year in all; and, exceptional and revolutionary as it seemed, French commerce was saved thereby from a general bankruptcy.

In the same way, we would now suspend all collection of the land revenue in the threatened districts, and simultaneously all recovery of rent and advances on account of crops. By taking these measures while the cold weather crops are yet uncut, we should put into the ryot's own keeping the means of passing through, comparatively without harm, the terrible time coming upon him. What can be more cruel, in an emergency like this, than to allow the ryot's harvest to be seized and divided before his eyes amongst men from whom he knows he will have to buy it back as bread for his starving family at any price that may be demanded for it, when he has no money in his hand to pay for it? The crop is primarily *his*; and he should be allowed to keep it. It would be an abnegation, it seems to us, of all governmental, of all human responsibility, to allow its customary *mis*appropriation to take place now. Once out of the ryot's hands, not all the power of the State will enable us to redistribute it.

As to the opium crop we would see Government announce that in consequence of the drought it will forbear the exaction of the advances that have been made on account of the poppy, and will pay the ryot in full for the produce he brings in, carrying the advances over to another season. We may put new heart and new life into the people by measures leading them to look with confidence to the future, now shrouded in gloom and despair. It is a degradation to talk about the cost of such measures. Suppose they cost five, ten, twenty millions. We are prepared to spend a hundred millions when the necessities of war require such efforts for the common weal; and there is immorality in weighing measures required to save human life in the scales of the money-dealer. We have hitherto let the people die by multitudes, because we have not had the resolution to spend upon saving them a tenth of the sum which we spent the other day in Abyssinia for rescuing half a dozen Europeans from captivity. The errors which have marked our treatment of these calamities have been most painful.

We make no claim whatever to originality in these views. The remedy was clearly discerned by Mr. Rose in the North-West after the events of 1837-38, and as clearly described:—

"One of the errors of Government," he wrote, "was in not being sufficiently *explicit* "and early in making known to the people "the extent of negative relief intended to be "granted by means of remission of revenue.

"It is true little or nothing was collected by "Government until the rubbee harvest was "ripe, and the people were early told that "they were to expect leniency; but the Collec- "tor, unfortunately, could not tell them what "amount of remission it was intended to allows "and whilst he was prosecuting his inquirie; "to determine that point, the malgoozars never "before having experienced or ever heard of "such sweeping remissions as were ultimately "granted, and expecting in their most sanguine "hopes nothing beyond a remission of ten or "twenty per cent of the revenue, continued "to press their ryots for their rents,—thus "driving away thousands who, if unmolest- "ed, would have remained in their villages, "and by means of artificial irrigation would "have raised a sufficient rubbee crop to sub- "sist on."

"Should, therefore, the country be ever "again visited with a similar calamity, I "would recommend, as a first step, that the "total suspension of all demands for the No- "vember and December instalments be pro- "claimed, provided the malgoozars adopted "the same course towards their cultivators; "and that the duty of the Tahsildar and Col- "lector should for the time be limited to ascer- "taining how far the malgoozars adhered to "that provision, and taking, of course, when "they deviated therefrom, a fair proportion of "the rent exacted by them from the cultiva- "tors. When the rubbee harvest came into the "market, there would be ample time to com- "mence to determine what each mehal should "pay; nor is there any danger that such a course "would cause undue loss of revenue. The "scramble between the Malgoozar and Tah- "sildar to forestall each other in getting hold "of the rents would cease, and instead of "a desire to exact all he could out of the ryot, "the Malgoozar would be impressed with the "conviction that the lighter he dealt with his "cultivator the more leniently he himself "would be treated by the Government."

The ryot of Behar is in the condition of the North-West ryot in 1837 as described by Mr. Girdlestone: "In the time of drought he has not the usual means of commanding money, just as the system under which he lives precludes the possibility of saving. If he is a hired labourer, the Zemindar has no need for his services so long as the land is too parched for sowing to be effective. He, therefore, stops his wages and casts him adrift. If he is a peasant proprietor—only a step removed in point of worldly wealth from the ryot—the advances on which his crop would be raised are not forthcoming. The banker, of course, obstinately refuses a loan when there is little or no chance of the seed germinating. To add to their troubles, the peasantry of India have not the means to lay by sufficient of the grain that they have produced in one harvest to feed themselves till the next. Their whole crop is generally delivered to the dealers at prices much lower than those current in the market, and immediately afterwards they begin to draw supplies of the same grain at prices much higher than those of the day. The relation between the dealer and the labourer is, in fact, similar to that which exists between the money-lender and the landowner. It is founded on that disastrous principle of advances which bids fair to cripple the energies of the country for ever. A sudden incentive to the production of some particular commodity—as, for instance, the impulse which high prices gave recently to the cultivation of cotton—may serve to free whole communities from the burden of hereditary debt; but nothing short of this will avail. The lower classes of the people are ruined by the extortionate demands of their task-masters, and yet are so deeply involved that they have no alternative but to submit. They are utterly at the mercy of the creditors, to do and to will as they please. So long as times are favourable, they live on from hand to mouth, without the power of taking precautions against future calamity, and at length, when the storm breaks, many succumb without a struggle, for they have not an atom of property to call their own."—*Indian Economist*, November 29, 1873, p. 88.

ACCLIMATIZATION OF CAROLINA RICE.

As some very strange comments have been made by a part of the press upon an official note on this subject circulated by the local Government, we reproduce it *in extenso*, as the matter is important and of considerable interest:—

Note.—The importance of the attempt to substitute the cultivation of Carolina rice for the indigenous paddy seems hardly as yet generally understood in Bengal. The rice plant is not indigenous to America, but was introduced from the Old World, India and China being the natural habitat of the grain; but so great has been the improvement effected therein by careful cultivation in the virgin soil of the States, that the normal price of Carolina rice in the European markets is nearly three times that of the best Patna. Rice, in its natural state in the husk, is called *paddy*, and the varieties of the Indian grain are almost innumerable. That which is exported from Bengal generally goes by the name of *cargo* rice. It is sweet and large-grained, but is of a coarse, reddish cast, and is not kiln dried, but parboiled in earthern pots, partly to destroy its germinating power and partly to facilitate

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husking. Patna rice is more esteemed in Europe than any other of the Indian kinds, but it is small-grained, though remarkably white. It will bear no comparison, however, with the rice of South Carolina, the superiority of which is sufficiently attested by the fact that it sells in in London at 35*s*. to 36*s*. per cwt., when Patna will not command more than 14*s*. to 15*s*.

A great physiological change in point of fact has taken place in the plant in the course of its cultivation in Carolina, so that whereas the Indian rice is a surface-feeding plant, throwing out short roots laterally, seldom or never piercing the soil three inches deep, the improved Carolina variety throws a straight, vigorous root, six or eight inches deep through the surface into the sub-soil. The result is that while country paddy will live and thrive upon two or three inches of surface soil in good condition, the Carolina variety pines and fails, unless the tillage has reached the sub-soil and brought it into a healthy condition. A soil in a bad physical state, with but a healthy surface of two or three inches, will produce fair crops of country paddy, but no harvest of Carolina. To introduce Carolina rice successfully into Indian husbandry, therefore, there must be systematic and sustained effort to improve the depth of the tillage, with drainage of the sub-soil possibly, also. We have abundant proof that this rice will produce as luxuriant crops in India as in Carolina itself, with a sub-soil in healthy condition; and when we remember that it commands nearly three times the price of the Indian staple, and that the yield per acre is indefinitely greater, the importance of the effort to introduce it into India will, it is believed, be more generally understood.

The statement frequently appears in the history of our attempts to acclimatize this rice, that the people would not eat it even if they could grow it. I take the liberty to doubt this; but were it even true, and the grain grown for export only, the experiment is of great importance. The people do not eat jute, but they are glad to grow it for all that. The opinions expressed as to the quality of the straw are of almost endless diversity. According to some, the straw is superior as fodder to that of any indigenous paddy whatever; according to others, inferior to that of the worst. According to some reports, it is admirable for thatching purposes; according to others, it is almost worthless for such uses. Now, all this, as it seems to me, simply shows that there has been no systematic, sustained, and careful effort in what we have been doing, combined with watchful observation of the results of every mode of cultivation upon the grain itself, and then upon the straw. The long record of failures from drought, inundation, blight, wild animals, birds, and insects may be dismissed with the remark that the league which the birds of the air and the beasts of the field, and the very elements themselves, seem to have made against the experiment simply show how feebly we have conducted it. The marked preference for this rice shown by birds and insects and vermin, over the indigenous kinds, is strong presumptive proof that the grain is worth the attention of man himself. I believe it will be generally found that birds and rats are not bad judges of the quality of food-grains.

The great fact it is necessary to mark with care, is the fact that the American mode of cultivation is entirely different from the Indian. The Carolina seed that comes to us from America is the product of a very peculiar mode of cultivation, to which the seed has been accustomed for probably 200 years. The rice is sown in the States in rows, in the bottom of trenches about 18 inches apart. The trenches are filled with water to the depth of several inches till the seed germinates, when the water is drawn off. Shortly afterwards the fields are again flooded for rather more than a fortnight, to kill the weeds; and they are flooded once when the grain is near ripening. Now, this mode of cultivation is entirely different from the Indian, and although its peculiarities were brought to the notice of the Government several years ago, I cannot find the record of a single attempt to cultivate the plant in Bengal in the same way. So far back as 1869, Mr. Kitteridge, the American Consul at Bombay, supplied the Government of Bombay with the following short note on the subject:—

"Rice is sown in Carolina in long *drills*, "made by hoes (machinery does not work "well) of about one foot deep, drills one foot "apart, two bushels to an acre. Water is let "on as soon as the rice is three inches high, "and is kept under water; that is, the water "is kept to within two inches of the top until "(rice) is about four inches high; it is then "drawn off and the weeds taken out; after "this the water is let on again, when it begins "to head; the water must be allowed to rise "just below the head (that is, the point where "the kernels grow). The water must be "high enough to keep the stem steady in case "of wind."

This memorandum was forwarded by the Government of India to the Government of Bengal, under date, Simla, 30th June 1869, No. 367, and a copy of it was forwarded to the Board of Revenue for information by No. 2,518 of 15th July 1869. I cannot find, however, that a single attempt has been made to cultivate the seed in this way. Instead of taking these instructions as a guide to be followed as closely as possible, they seem to have been ignored altogether, and the cultivation of the new and peculiarly educated plant attempted

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in methods wholly foreign to the treatment under which it had been produced in America. We have sown it broad-cast and in nurseries, on high land and low land, on wet land and dry land, and in every conceivable way but the one in which we were *told* to sow it, namely, the way to which it had been accustomed during two hundred years of cultivation. The reports from the Board of Revenue of the results of the experiments made with the 20 barrels of seed distributed last year are of the same order as all preceding reports. The seed was received and sent to the Board of Revenue, and by it distributed all over the country; and instead of looking for success in the way of concentrated, careful efforts year after year upon the same spot, we have hoped that by widespread, isolated, desultory sowings, success might "turn up" somewhere.

The 100 barrels received this year from the Secretary of State costing a large sum of money, have been distributed in the same way, and I fear that we might as well have sown them in the Hooghly for any practical good that will result. Mr. Kitteridge's instructions show that the water with which the rice is flooded must be under control, and the suggestion naturally arises that the vast canal systems which the Government has constructed at immense cost in various parts of the country—the Soane Canals, Midnapore, and Cuttack—supply us with the means of attempting the acclimatization of the plant, under conditions of cultivation similar to those which have produced it in America. Indian rice lives on the rain-fall; Carolina, on irrigation; and this fact opens up to us an interesting and possibly valuable field of experiment in the neighbourhood of the canals, upon which the State has spent so many millions.

Resolution.—The Lieutenant-Governor is much obliged to Mr. Knight for this note, and directs that it be circulated through the Board of Revenue to all officers and private gentlemen who have undertaken the cultivation of Carolina paddy in this and past years. Collectors will be requested to cause verbal instructions to be given to ryots, mouzadars, and Zemindars, who may undertake experiments. The Lieutenant-Governor is not sure that the experiments heretofore made have altogether been barren of result; for out of the 107 cases reported by the Board, 32 are said to have been successful, 62 doubtful, and 13 wholly unsuccessful. Many of the doubtful cases, however, were very nearly failures. In some of the successful cases, it was established that Carolina rice yields more than one crop from the same stalk.

It is, however, quite clear, that the proper mode of cultivating this rice was not sufficiently known; and it is probable that its high market value is not generally known. It may possibly be that in America the rice is raised of a fine quality by a quasi-garden cultivation, and sells higher, just as garden potatoes sell higher than field potatoes. From the description of the Carolina cultivation it is evident that an artificial supply of water is necessary. The crop should be tried on our canals. If it turns out that with command of water we can really raise a rice very much more valuable than ordinary rice, we may save millions now sunk on canals. In that view the question is of immense importance. Mr. Knight's figures regarding the price of Carolina rice are taken from price-currents of some years back; the Calcutta merchants to whom reference has been made not being able to state the present price of this rice. Reference has been made to the several American Consuls in India for information regarding the price of Carolina rice, and the Government of India has been asked to favour the Lieutenant-Governor with any available information upon the point. If the price of *ordinary* unselected Carolina rice in Europe turns out to bear towards *ordinary* unselected Indian rice a different proportion to that stated in the 1st paragraph of Mr. Knight's Note, further detailed information upon the subject will be circulated. Meanwhile the Lieutenant-Governor does not desire to delay to place Mr. Knight's Note in the hands of persons conducting this year's experiments.

Replies have not yet been received from all the gentlemen to whom reference has been made, but the Secretary of the Calcutta Chamber has been good enough to forward to Government the following valuable note on the price of Carolina and Indian rice, respectively, in the last twenty years:—

"As the Chamber's files do not extend further back than 1854, the Committee regret they are unable to give the statistics for the four preceding years. Statement No. 1 exhibits the quantities, values, and average prices of rice imported into the United Kingdom from the United States and British India from 1854 to 1871, inclusive. The figures have been taken from the Trade and Navigation Returns of Great Britain for each of those years.

"Statement No. 2 exhibits quotations for Carolina and Bengal and Burmah rice for the last week of the months of June and December of each year. These figures are taken from the *London Economist*. These two returns will, the Committee believe, afford all the information you require as to the home values of American and Indian rice. The quotations are, of course, general, with large fluctuating margins to cover the values of various qualities,

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but they are probably sufficient for your purpose.

"The Committee concur in the belief you express that the growth of Carolina rice for export has ceased, and they are inclined to attribute this falling off to the large imports of rice from Bengal and Burmah and the comparatively lower values at which the Indian produce can be placed in the home markets, as well as to the more extended cultivation in America of cotton, tobacco, cereals, and other articles yielding a more profitable return. Upon this point, however, they suggest a reference to the Statistical Department of the Government of India in London, which will no doubt be in a position to give the fullest information."

No. 1.

Rice imported into the United Kingdom from the United States and East Indies (Bengal and Burmah) from 1854 to 1871, inclusive.

Years.	United States.	Average price.	East Indies.	Average price.
	Cwt.	S.	Cwt.	S.
1854...	20,383	20·0	1,263,380	14·0
1855...	13,853	29·0	2,157,044	14·6
1856...	60,864	25·6	3,544,215	10·6
1857...	56,764	24·6	3,159,420	11·3
1858...	48,771	21·6	3,578,748	8·10
1859...	51,600	21·1	1,244,390	10·9
1860...	69,932	23·4	1,314,811	13·0
1861...	Record wanting.	......	....	......
1862...	38,421	36·0	3,812,670	11·10
1863...	1,896	36·1	2,958,228	11·11
1864...	None.	......	2,707,112	11·6
1865...	42,537	34·0	1,306,290	13·3
1866...	3,402	32·4	1,835,616	13·3
1867...	9,505	39·6	2,335,892	14·7
1868...	None.	......	3,582,563	12·7
1869...	17,843	30·0	3,009,584	11·5
1870...	4,650	28·0	3,060,769	10·11
1871...	None.	......	3,690,111	10·1

No. 2.

Quotations from the "London Economist" in the last week of June and December of each year from 1854 to 1872, inclusive.

Years.	Carolina Rice.		Bengal Rice.	
	Price in June.	Price in December.	Price in June.	Price in December.
	Per Cwt. S. S.	Per Cwt. S. S.	Per Cwt. S. S.	Per Cwt. S. S.
1854...	21 @ 37	24 @ 38·6	10 @ 13·6	11·6 @ 16·6
1855...	24 „ 46	28 „ 46	12 „ 15·6	14·6 „ 17·6
1856...	25 „ 45	25 „ 45	10 „ 15	9 „ 13·6
1857...	25 „ 40	20 „ 36	10-3 „ 14	7 „ 11
1858...	20 „ 36	18 „ 36	6 „ 11	6·6 „ 13
1859...	20 „ 36	20 „ 36	8 „ 14	8 „ 14
1860...	22 „ 36	22 „ 34	9 „ 15	10·6 „ 16
1861...	24 „ 34	25 „ 35	9 „ 15	10 „ 16
1862...	28 „ 40	35 „ 46	7 „ 16	8·6 „ 14
1863...	30 „ 46	30 „ 46	8 „ 15	7·9 „ 16
1864...	35 „ 46	35 „ 46	8 „ 14	9 „ 14
1865...	35 „ 46	35 „ 46	9 „ 16	10 „ 17
1866...	35 „ 46	35 „ 46	10 „ 16	11 „ 19
1867...	35 „ 46	......	11 „ 18	10·6 „ 18
1868...	No quotations	......	8 „ 16	8·9 „ 16
1869...	No quotations	......	7-3 „ 14	7·6 „ 14·6
1870...	No quotations	......	8 „ 13-3	8 „ 13
1871...	No quotations	......	8-6 „ 13-3	8·6 „ 13
1872...	No quotations	......	8 „ 14	8 „ 14

(Signed) H. W. I. WOOD,
Secretary.

Sir George Campbell has directed that an expression of his acknowledgments be conveyed to the Chamber and to Mr. Wood for the valuable information thus furnished, and Mr. Wood's letter has been sent to the Board for communication to the officers and gentlemen engaged in Carolina rice experiments.—*Agricultural Gazette of India*, November 29, 1873, p. 90.

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